

# EXHIBIT 2

**INDEX OF CHARACTER WITNESS LETTERS**

<b>Exhibit</b>	<b>Witness</b>	<b>Page Nos.</b>
<b><u>A</u></b>	Colleen Benjamin	1-4
<b><u>B</u></b>	Jameel Allen	5-8
<b><u>C</u></b>	Vittorio Badalassi	9-11
<b><u>D</u></b>	The Honorable Nils J. Diaz	12-16
<b><u>E</u></b>	Haydn Doughty	17-19
<b><u>F</u></b>	Jim Ferland	20-22
<b><u>G</u></b>	Marvin S. Fertel	23-25
<b><u>H</u></b>	Jeffrey E. Fuchs	26-32
<b><u>I</u></b>	Marcin Gawel	33-35
<b><u>J</u></b>	Steve K. Hamilton	36-39
<b><u>K</u></b>	Richard Horn	40-42
<b><u>L</u></b>	George Koucheravy	43-46
<b><u>M</u></b>	Todd Mitchell	47-49
<b><u>N</u></b>	Duane Christopher Olcsvary	50-53
<b><u>O</u></b>	Jerod Parkinson	54-57
<b><u>P</u></b>	Michael V. Paulin	58-61
<b><u>Q</u></b>	William (Bill) Poirier	62-65
<b><u>R</u></b>	Charles R. Pollard	66-68
<b><u>S</u></b>	Danny Roderick	69-72
<b><u>T</u></b>	Dr. James D. Sexton	73-75
<b><u>U</u></b>	Shigenori Shiga	76-80
<b><u>V</u></b>	Olgierd Skonieczny	81-83
<b><u>W</u></b>	Paul Tobin	84-86

# EXHIBIT A

The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

Colleen Benjamin  


October 31, 2024

Honorable Judge Lewis,

My name is Colleen Benjamin, I am Jeff's wife, and I am retired after many years as a small business owner and entrepreneur. I am writing this letter on behalf of my husband who will appear before you for sentencing on October 15. Many people first think of Jeff for what he does, but I want to tell you who Jeff is. Jeff is the most principled, fearless, and honest man I know. These are just a few of the qualities that made me want to marry him. I've seen him overcome technical, logistical, and political challenges incumbent with some of the projects he has been involved with, both here and abroad. I have seen him interact with his former colleagues and his prior clients in Poland and have marveled at the personal connections he has with all of them. I've witnessed how proud he is when recalling being tasked with helping to ensure the safety of the roughly 100 nuclear power plants in the U.S. following 9/11 or leading a first of a kind nuclear program in Abu Dhabi. I've also heard of the challenges he had encountered with the AP1000 program at Westinghouse and the VC Summer project in South Carolina. I've felt his deep disappointment that this project failed. I've now watched him endure a 6-year legal process that has caused him to reflect on, and to ultimately accept responsibility for, his role in helping SCANA misrepresent the status of their project. Jeff is not perfect, but he always has the right intentions. I know Jeff has pled guilty to aiding and abetting SCANA's false books and records. I am writing this letter hoping that you will take the time to get to know the same Jeff that I, and his friends and colleagues, know.

I first met Jeff in Colorado shortly after he left Westinghouse. I was immediately drawn to his passion for the energy industry, his breadth of knowledge and experience, and his willingness to always be inclusive with those around him. He approached people with humility and a strong sense of humor. I was by his side as he set about reinventing himself as a small business founder after living in the corporate world his entire career. He was well on his way to achieving that until he was indicted.

Frankly, the person I know and love is much better described in the numerous support letters written on his behalf – not in the account alleged by the Government. I implore the Court to carefully consider the large differences between these accounts of who Jeff really is.



As a husband, Jeff is a caring partner, an exceptionally hard worker, and a deeply supportive spouse. Before this case, his jobs required frequent international travel, and he was very committed to it. I have had the chance to travel to the United Kingdom and Poland with Jeff and seen firsthand how he had interacted with his client. Although his role was time-consuming, he always made time to focus on “us”. He recognized the personal sacrifices he made in pursuing his prior corporate ambitions and was committed to protecting our own relationship by ensuring we had balance in whatever we pursued. We were subsequently married by our close friend, Mike Paulin, in 2021.

Following his initial indictment, and continuing even today, Jeff has had to step back from his own business and the businesses he helped to establish. Unfortunately, this was to the detriment of his clients in Poland and the growth prospects of these new companies as access to capital and working to secure potential investors became impossible due to the pending charges against Jeff. Hopefully, that includes him reconnecting and reengaging in these businesses and helping to deliver the projects he is currently working on.

Jeff has always prioritized mentoring others. In a heartbeat, Jeff will travel to see friends across the country to help them think through business ventures and relationship challenges or just to check in to see how they are. I have met several of his former colleagues in person and have witnessed the depth of those relationships formed over the years. While he has high expectations, he is also incredibly supportive and has a big heart. He is also extremely loyal and deeply cares about those who he spends his time with.

This 6-year legal process has been incredibly difficult for both Jeff and me. It has taken an exacting toll on both his mental and physical health. He has had repeated issues with his heart and has had multiple surgeries to address persistent heart issues – I believe these incidents have been driven by the stress and anxiety of this case. I have also seen him battle with the depression and anxiety that comes with dealing with the failures in his professional life and being charged multiple times related to this case. In addition to the professional impacts, this case has also affected the relationships with our friends and family. Fundamentally, the most challenging reality to confront is the fact that this charge is so inconsistent with the reputation Jeff has built and earned his entire life. The Jeff I, and many others, know constantly stands up for people and for the truth. That’s why it was so shocking to me and many others when we first heard he was indicted. I have seen Jeff turn down business opportunities because he didn’t believe co-parties were aligned with his principles. Having played sports his entire life, he holds himself and others accountable to the concepts of “fair play”. This is a value we both share and has often influenced who we choose to spend time with.

While I do not seek to minimize the gravity of the situation, this was the first time that Jeff has ever been accused of any crime. This was a singular lapse of judgment for a man who otherwise has made substantial contributions to a notoriously difficult industry and has demonstrated stellar judgment over decades. I have also been by his side as he internalized his own learnings from this unfortunate event and seen him determined not to allow anything remotely like this to ever happen again.

Finally, I want to convey to you some of the impacts this has had on me personally. First, Jeff was indicted just days prior to our wedding. Also, like Jeff, I have had my own set of stress related medical issues to deal with due to the uncertainty of this ordeal. Neither of us have had issues like this before. The financial impact of this on Jeff has also had a material impact on our livelihood, which only adds to our stress. This leaves us with a very uncertain financial future. Finally, I have to say that the prospect of being without my husband for any extended period of time, especially in light of what we have already endured and on the heels of two major hurricanes in Sarasota, leaves me feeling scared and vulnerable. In the end, it breaks my heart to see such a capable man effectively sidelined for this single lapse of judgement and to see him have to ask permission to even attend my father's funeral.

Your honor, I understand there must be consequences for actions, but I humbly ask you to exercise compassion and leniency, considering the full context of who he is. Simply stated, I need him at home and with our family. He has already paid a steep price over the past several years for his misdeed and he clearly does not pose any threat to society. I implore you to allow him the opportunity to remain with his family.

Thank you for taking the time to read my letter and considering my plea.

Most Sincerely,


A handwritten signature in cursive script, reading "Colleen Benjamin".

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Colleen Benjamin

# **EXHIBIT B**

The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

Jameel Allen  
SAI Diversified Energy Services  


August 7, 2024

Dear Honorable Judge Lewis,

My name is Jameel Allen and I write in fervent support of my dear friend and respected colleague, Jeff Benjamin. I currently serve as the Chairman and CEO of SAI Diversified Energy Services based in Greenville, South Carolina. Prior to that, I served in various leadership roles for Charah Solutions, Allied Power, Saulsbury Industries and Fluor Corporation, including Chief of Staff for the Corporate Sales Board, Sales Executive and other key roles across Fluor's business groups including the Government sector. I also served as the Deputy Country Manager of Fluor's business development in Afghanistan.

I now serve in several governance roles related to both corporate and non-profit boards. I sit on the Board of Advisors for the City of Greenville Chamber of Commerce where we spend significant time working on governance from a power standpoint. I'm also the Chair for the City of Greer Corp in South Carolina where I am responsible for allocating ~\$100 million of bond issuance for projects facilitated. We take these responsibilities very seriously and make sure due diligence is in place for each project. We go to great lengths to ensure the projects are bulletproof from a commercial, technical, governance, and compliance standpoint.

I am also active in a number of professional and business organizations. I'm on the Board of Trustees (Congressional District #4) at South Carolina State University, a member of the United Way African American Leadership Council in Greenville, South Carolina and the chair-elect for the City Club of Greenville.

Over the 12 years I've known Jeff, he's been a client, a business partner, and a trusted confidant. From an energy leadership standpoint, Jeff has stood tall for creating credible and reputable infrastructure worldwide. While working as a Business Development executive for Fluor, we hosted an annual Pinehurst event where we invited energy industry thought leaders to share their perspectives. We only chose the top 15-20 clients based on their leadership level and ability to focus on strategic issues with foresight. Jeff Benjamin was always high on our list of invites. Year after year, Jeff was at the table and involved with technical presentations discussing emerging trends and technologies impacting Fluor and the broader industry. Because of his

technical expertise, forward-thinking, and candor, we always made sure Jeff had a seat at the table.

Jeff is well respected in our industry and is someone I describe as a “high-character” individual. Like myself, Jeff is focused on the fundamentals—meaning the core governance aspects of a large-scale projects that make them feasible and sustainable. From my personal and professional interactions with Jeff, he does not sugarcoat issues, which is particularly important in our highly regulated energy sector.

One example that illustrates Jeff’s integrity and character is the work we conducted for the country of Belize. Several years ago, the prime minister of Belize wanted to transition the country to solar energy. Belize was purchasing power from Mexico on a spot-pricing basis, which was negatively impacting productivity. Jeff and I were brought in to evaluate the viability of the project. To do so, we examined the fundamentals, the dollars per kilowatt, the need for potential substation upgrades, and Belize’s credit rating (which was about the same as Afghanistan’s). We also asked pointed questions regarding RFPs. Through our due diligence, we realized the primary issue was that Brazil’s power grid could not support solar 100% of the time because solar is not a base-load generation. We informed the government that we could develop a solar board, but we ultimately needed to develop a comprehensive development plan that involved diverse fueling strategies. Nonetheless, the government insisted it wanted to run only solar energy. It became clear that certain contractors were prioritizing a pro forma quick return over the long-term interests of the country.

Finally, Jeff suggested a call with the prime minister. He emphasized that we want to move forward with the deal, but if we’re not allowed to evaluate the fundamentals and decide what can and cannot work, then we cannot proceed. Jeff further communicated our concern that this was not only a power issue—not having an appropriate backup energy storage solution was a matter of national security. Jeff was the first to bring that to the prime minister’s attention.

Ultimately, the deal never materialized. Although this potentially was a major deal for Jeff and the Team, it was not worth compromising our values and what we believed were the long-term interests of the country and its citizens. In fact, we were never under contract, meaning we never requested or received any payment for our analysis. Were we popular during those tough conversations? No, but we remained fundamentally sound and thorough to protect all interests and stakeholders involved.

Since I’ve known Jeff, he has been a high-character individual: not only as a colleague but also as a close friend. We frequently golf together and discuss everything from family matters to our philosophies on how to protect the power grid. When it comes to energy, power, and infrastructure, Jeff is truly one of the most astute people in the industry. From participating on advisory councils to working with state and national commissions, the community would be much better served if Jeff were not incarcerated.

I’m aware that at times, from a legal standpoint, someone has to take the fall for project failures, but I truly believe VC Summer faced serious flaws that preceded Jeff. Southern Company faced its struggles as well, but they found a way to refinance, sell off assets, and offset losses to right

the balance sheet. They experienced multiple losses but ultimately were committed to finishing the project. Unfortunately, SCANA and Santee Cooper did not have that same balance sheet and commitment to seeing the project through. I honestly believe that if Westinghouse had ten Jeffs they would have been better off. Things would have been much worse if Jeff was not involved.

As Jeff's friend, I'm honestly glad he's done with the VC Summer project and the scrutiny attached to it. He was just trying to do the right thing. Jeff is a high-emotional intelligence individual. He respects every assignment God has called him to pursue. He is always "all in" and I continue to have 100% confidence in Jeff's ability and leadership.

As you approach sentencing, I hope you consider the principled Jeff Benjamin I've known for over a decade - a man who I believe is deserving of leniency from the court.


I truly appreciate your consideration of my letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jameel Allen", with a stylized, flowing script.

Jameel Allen

# **EXHIBIT C**



August 6, 2024

The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

Dear Honorable Judge Lewis,

This is Vittorio Badalassi, PhD, and I have over 20 years of experience in the nuclear sector, particularly in industry, research, and development. In industry, I was involved in designing two nuclear reactors (Westinghouse AP1000 and NuScale), evaluated many more, and co-led the technical selection of an isotope research reactor in The Netherlands (PALLAS/NRG); I had leading roles up to Chief Nuclear Safety Engineer (at PALLAS/NRG). In academia, I am a Royal Society Industry Fellow, and author of seminal papers and patents; currently, I am a Distinguished Scientist at Oak Ridge National Laboratory, where I lead the ARPA-E GAMOW Fusion Energy Reactors Models Integrator (FERMI) 3.5 Mn\$ project.

I am writing this reference letter in my personal capacity for Mr. Jeffrey Benjamin.

I met Jeff for the first time in January 2012 when he joined Rolls-Royce PLC, UK, as Executive Vice President of Engineering Nuclear. I directly reported to him until his departure to join Westinghouse as Senior Vice President in May 2013. At the time, I was the team leader of the modeling and simulation group in Civil Nuclear, Rolls-Royce PLC, UK.

Working for Jeff was a great experience, and I can say he has been the best manager I have ever had in my career. At Rolls-Royce, he was clearly at another level with respect to all the other executives. Jeff had an unparalleled knowledge of the nuclear industry coupled with detailed technical knowledge, which is difficult to find at the executive level. Jeff gave me tasks with increased difficulty, and I had complete trust in him. I remember that, at the time, Rolls-Royce was exploring collaborations with other nuclear companies. Jeff could connect Rolls-Royce with all the relevant nuclear companies worldwide, as he personally knew most of the executives in the nuclear industry. For example, he connected me with Exelon (now Constellation) to discuss possible R&D projects on jet pumps, and he sent me to Lynchburg, Virginia, to BWXT to discuss a collaboration on medical isotope reactors (the MIPS project). Jeff funded my R&D activities since they could attract new collaborations with nuclear vendors and continued to introduce me to relevant people in the industry. For him, I also organized various training courses for Rolls-Royce engineers on new reactors.

Jeff is also a master at empowering people, and as far as I remember, everybody working for him was delighted and appreciative of his demeanor, leadership, and trustworthiness. For example, going back to the BWXT and MIPS opportunity, some Rolls-Royce executives were critical of the initiative and my work. Jeff confirmed full responsibility for pursuing such an opportunity and never left me alone; Jeff is a true leader and cares about his team and employees.



We stayed in touch since his departure from Rolls-Royce UK to join Westinghouse in May 2013. I visited him once during his time at Westinghouse as I was hoping to promote a collaboration between Westinghouse and Rolls-Royce. I also met him a second time after his departure from Westinghouse. Due to the subject's sensitivity, I never asked him what happened at V.C. Summer, nor he mentioned anything about it. I have direct experience with the Westinghouse AP1000 project, though, as I worked at the Westinghouse headquarters in Cranberry between September 2010 and May 2011. I was there on secondment for Rolls-Royce PLC (as Rolls-Royce was planning to collaborate with Westinghouse to construct the AP1000 in the UK) contributing to the design finalization of the AP1000. Of course, this experience of mine was before Jeff's tenure at Westinghouse (I left Westinghouse two years before the start of his tenure).

It is relevant to say that the AP1000 project was highly challenging. Westinghouse was still finishing the design of the AP1000, a very innovative reactor ("First of a Kind" (FOAK)), and building two units at the same time in Sanmen, China. Building a reactor while still finishing the detailed design is a known recipe for construction problems, but it is a risk taken for business reasons. The situation was complicated because Westinghouse (and the US industry as a whole) did not build or commission new nuclear reactors for a very long time, so Westinghouse also had problems finding proven suppliers for the construction. Adding even more complexity, the Fukushima accident happened on March 11, 2011, and all the regulators of the world implemented a new, more strict regulation that demanded expensive design changes, especially for new reactors such as the AP1000. All this complexity certainly contributed to the AP1000 construction delays and costs; for example, projects with similar challenges, such as the EPR nuclear reactor (another FOAK large nuclear reactor) designed in France and built in France, Finland and UK, brought the designer company Areva to insolvency and the French government had to arrange a bailout having EDF, the French government-owned electric utility, to buy Areva saving jobs, know-how and guaranteeing the completion of the EPR nuclear reactors. Having mentioned all the problems above, I think I can make an educated guess that Jeff was subject to enormous pressure and responsibility to deliver on time and budget a very difficult or perhaps intractable project.

I understand Jeff pleaded guilty to one count of aiding and abetting the maintenance of false books and records by the public utility South Carolina Electric & Gas ("SCANA"), and he is waiting for his sentence. Jeff had a stellar and flawless career before the SCANA "debacle" and has unique skills and experience that could still greatly benefit the nuclear industry and the US. I hope the upcoming sentence will not end his career, and he will have a chance to prove his value again.

Best regards,

A handwritten signature in blue ink, reading "Vittorio Badalassi". The signature is fluid and cursive, with a long horizontal stroke at the end.

Vittorio Badalassi

# **EXHIBIT D**

# THE ND2 GROUP, LLC

August 9, 2024

The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

RE: Mr. Jeffrey A. Benjamin

Dear Judge Lewis,

I am writing this letter on behalf of Mr. Jeffrey A. Benjamin prior to his sentencing. I am aware of the fact that Mr. Benjamin pleaded guilty on a charge of aiding and abetting the maintenance of false books and records by the public utility South Carolina Electric and Gas (SCANA). While my knowledge of SCANA's issues and problems is only from third parties, my cognizance of Jeff Benjamin is extensive as I have known and interacted with him, inside the tightly knitted and closely guarded circle of nuclear power executives, since 1999. I can assure you, your Honor, that no one survives for long in that circle if they are not a person with high integrity, trustworthy, and capable of managing issues of national and international importance. Jeff Benjamin is such a person.

At this point, your Honor, it appears I have to "humbly" introduce myself to you. I am an internationally renown nuclear scientist who systematically rose to a distinguished position in his field of endeavors, as Chairman of the US Nuclear Regulatory Commission. I have practiced in the nuclear field for over 50 years, a career that started as a PhD and Professor of Nuclear Engineering Sciences at the University of Florida (UF) in 1969. I quickly rose to the rank of Full Professor and Director at UF and became known for noted discoveries, contributions and innovations for the worldwide nuclear field. I spent a year in Spain -1981 to 1982- as the Principal Consultant to Spain's Nuclear Safety Council and became well known in Europe. In 1984, I was named as the Associate Dean for Research at California State Long Beach University, where I developed the Nuclear Space Power and Propulsion Institute (INSPI) of the Strategic Defense

Initiative for the Department of Defense (DOD), and served as its national Director until 1996, when I joined the USNRC as Commissioner; I was then appointed Chairman of the USNRC in 2003. After 9/11, I served as the US spearhead for the national coordination of radiological protection, nuclear incident prevention and remediation, a successful program that endures today. I have received many national and international awards, as someone recognized for “contributions that have made a significant impact on the security and well-being of the United States and the world”. I am a Fellow of the American Nuclear Society, the American Society of Mechanical Engineers and the American Association for the Advancement of Science.

Your honor, I have known Jeff Benjamin since 1999, when he started his direct interactions with the governing part of the NRC, in his role of Vice-President of Regulatory Affairs for Exelon. These interactions became more frequent and compelling as the nation and the NRC faced the nuclear safety and security issues posed by 9/11. As one of the nuclear industry’s top reps, Jeff frequently seated across the table from me, digesting, agreeing and disagreeing with proposed safety changes for the operation and indeed the survival of nuclear power in the USA. Of course, only people with distinct qualifications were at those special meetings. I would state -for the record- that Mr. Jeffrey Benjamin performed quite well during these deliberations and I know that he was well considered and trusted by his peers to represent the industry in these often-sensitive matters. We found Jeff to be an honest broker and a trustworthy industry leader, deeply interested in finding solutions to the key technical and socio-political-economic issues of unique dimensions being addressed. Furthermore, Jeff was often at the front end of relevant industry-regulatory techniques that I was frequently spearheading to achieve the safety, security and productivity important to the nuclear fleet and the nation. These interactions with Jeff, in many arenas and venues, were all positives and without a questionable blip, indeed an achievement considering the very demanding environment we worked.

I left the NRC in 2006 and re-started my career as a “special Consultant”, better described as a “policy advisor” at very high levels of Governments. I lost track of Jeff for a couple of years. In 2008, I was contracted by CH2M Hill as a Principal Consultant to support contractual and to-be-contracted nuclear activities in Great Britain; these range from programming the disposal of legacy nuclear materials to proposing the new nuclear legislation. As these works progressed, I was attracted to support endeavors in a few of my other playgrounds. In 2009, I was in Spain relaxing in my hotel room after a tough day of testifying at the Cortes

(Spain's Parliament), when my heavily guarded cell phone rang. Reluctantly, I decided to take the call and to my surprise, a cheerful Jeff Benjamin, now employed by CH2M Hill, was at the other end. I was not very cheerful at the moment but I listened. After pleasantries were exchanged, an obviously then tense Jeff continued the conversation, that sounded something like:

Jeff: "Hey Nils, what are you doing tomorrow morning?"

Nils: "Not much right now, Jeff, but I have to deliver a punch note at the Cortes 3 days from now."

Jeff: "Oh great, can you get on a plane and meet me in Abu Dhabi by 8:30 tomorrow morning?"

Nils: "Jeff, do you realize I am in Madrid, how expensive it would be to be in Abu Dhabi by 8 am tomorrow, and mind not that cost, do you know how expensive I am on 100% overtime?"

Jeff: "Please let me know if you can be here by 8."

After a call to Jeff's boss at CH2M Hill to make sure I could break the bank, I used my Spanish connections and made the flying arrangements, then called Jeff and confirmed the transportation from the airport to wherever. I showed up in Abu Dhabi ahead of the 8 AM, had a full 30 minutes to read the documents in the car, and still showed-up before the meeting started, headlined by Jeff, at the new headquarters of the Emirates Nuclear Energy Company (ENEC).

Now relaxed, I listened to Jeff Benjamin and his staff making presentations as the final rehearsal supporting a major (a couple hundred million dollars) contract offering for the Abu Dhabi nuclear project scheduled for that afternoon. At the 10 o'clock break, Jeff called me aside and asked for my impressions. I gave him a thumbs down and suggested something was missing. A little pale, Jeff painfully asked if I had recommendations. I went to my tiny desk, grabbed a pad with scribbles and handed it to him. Jeff started reading, passionately mind you, went to the microphones and extended the break. After a short time, he came to the microphones, a little more pale, and said something like: "Gents and ladies, due to some comments and observations, and while we are still committed to our tasks, we are going to change some of our approaches a bit right now,

and secure this contract this afternoon". And, by golly, he did. I ended up working in Abu Dhabi those 3 days and many more the next 2 years, including travel to Japan, et al, with Jeff, serving as the Principal Consultant for CH2M Hill and Mr. Benjamin and ENEC's Board. I did learn something new: Jeff Benjamin was not afraid to correct course, regardless, if he realized there was a better way. Humility is an invaluable quality in a leader.

I had to part ways with Ch2M Hill because I was spreading myself too thin, and I loved getting involved in serious international policy matters at different locales. I only saw Jeff Benjamin sporadically the next few years but we kept in touch and had long phone conversations when he was at Rolls Royce and then at Westinghouse. We saw each other at special events hosted by nuclear organizations, shared a few friends and had a few chats. To the point: in those 16 years that we were in the same closely-knit circles, the occasional question: "how is Jeff doing?", yielded a firm: Good. Not once a bad hint. Jeffrey A. Benjamin was established as an honest, knowledgeable, and trustworthy leader inside a community that considers these qualities essential for admission and engagement.

Your honor, at a time where energy will play an ever-increasing role in the welfare of nations, I advance that we need expert leaders guiding the processes and therefore, Jeff Benjamin should be engaged in the resolution of this quagmire and not constricted. He needs to be a decisive asset and not an observer.

I respectfully submit for your consideration the fact that Jeff Benjamin has suffered sufficient punishment and that a jail sentence will unnecessarily punish the US energy infrastructure and indeed the community at large. Please let me know if in anyway I can provide additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nils J. Diaz', with a stylized, flowing script.

The Honorable Nils J. Diaz

# **EXHIBIT E**

The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

Haydn Doughty  


June 21, 2024

Dear Honorable Judge Lewis,

My name is Haydn Doughty. I am a former Marine, Vietnam era vet and a retired Westinghouse employee of 40 years continuous service. Since 2007 to January 2020, I served as Westinghouse's Site Director for one of the four China AP1000 sites, the Sanmen site. I reported to Bill Poirier, the VP and Project Director of China, who reported to Jeff. I first met Jeff when he joined Westinghouse in 2013, during his first trip to China. From the moment he arrived, Jeff was focused on troubleshooting and finding engineering solutions to deliver for the customer. There were a host of issues Jeff brought resolution to, a couple come to mind:

Reactant Coolant Pumps (RCP's) – RCPs are the heart and soul of the powerplant to supply circulating water to the core and to keep things cool. Unfortunately, their production became very delayed, compressing our schedule significantly. Jeff jumped in both in terms of engineering completion and engineering schedule. He contacted solution providers from Rolls Royce in England and ultimately directed those solutions into a completed product that we installed in China. That took 12-14 months to resolve, over 100 meetings. Although the owners placed pressure on him to rush, Jeff managed leadership's expectations and tasked my team to come up with a viable schedule to install these pumps in the quickest possible way without having any problems. During my time as site director, Jeff had interactions across several leadership changes within the Sanmen owners' organization. His interactions with senior leadership were always open and honest in every meeting I participated in.

Jeff was also very instrumental in working to get the Engineering Completion Schedule (ECP) put together. Engineers always want to engineer, but Jeff drove the organization and got an Engineering Completion Schedule. He was also instrumental in developing a war room in which we would track the issues we were encountering and keep some team working on them 24hrs a day, to provide solutions to the site.

Despite pressure from the owners, Jeff was always measured in his responses and interactions with the customer. In all the interactions I witnessed, he never presented any frustration because of a question or push back coming from the customer. Sometimes the customer would put together their top-ten issues and push for their proposal or solutions. Instead of immediately pushing back, Jeff listened to their solutions, brought it back to us as a team both onshore



(China) and offshore (U.S.), and we would discuss it. In China, we were under an immense amount of pressure to get these plants up and running. Even though the projects were ultimately late (they were supposed to be completed by 2014), that did not cause Jeff to cut corners or be dishonest. I'm proud to report that each of these plants are delivering electricity today.

As a site director, I had full authority from Jeff to exercise my responsibilities. I determined what the needs were for my site. Jeff was open and saw the value of the people who were interfacing directly with the customer. Jeff relied on me to ensure he was knowledgeable about what was going on at the site and that we were bringing those issues to him to drive attention offshore. I spoke with the customer daily and was called into their leadership offices. I exercised a significant amount of autonomy. Frequently, I had to communicate challenges or delays to Jeff (reactant coolant pumps, squib valves, it happened with everything), but he always responded in such a way so that he could better understand the source of the problem. With squib valves in particular, Jeff stood up a procurement team so that he could have real-time information. I always felt empowered to share tough information with Jeff and I believe others on the team did as well.

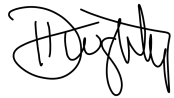
Jeff cared about project milestones, but he also cared about the people on his team. One of the things we received for being on site at Sanmen was a site bump – a location hardship benefit.

We also received a cost-of-living adjustment (COLA) which was added to site benefit. HR decided to remove the COLA from our paycheck, which resulted in a lot of upset China employees.

When we communicated this back to Jeff, he led a difficult discussion with 60-70 upset ex-pats living in China. Jeff listened to what we had to say, and Jeff said he's going to make it right. And he did. He replaced what we lost in COLA through a bonus program. The bonus program was then budgeted and approved. Jeff drove that. Jeff was always open, honest, and driven to do the right thing. I've never seen him act subversive or clandestine in the time that I've known him.

I know Jeff has taken responsibility for his actions and pled guilty. But his crime is out of character, and I continue to support Jeff based on the many years that I've known him to be an open, honest, and forthright person.

Thank you for taking the time to consider my letter,

A handwritten signature in black ink, appearing to read "Haydn Doughty". The signature is stylized with a large, looped "H" and a cursive "Doughty".

Haydn Doughty

# **EXHIBIT F**

The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

Jim Ferland  
[REDACTED]  
[REDACTED]

June 8, 2024

Re: Mr. Jeffrey A. Benjamin

Dear Judge Lewis:

My name is Jim Ferland and I am a longtime executive working in the energy and often in the nuclear industry. I retired as the CEO of Babcock and Wilcox (nuclear and power) and spent many years working for Westinghouse (nuclear), Louisiana Energy Services (uranium enrichment) and Public Service New Mexico (utility). I am currently the Chairman of the Board of Enerpac Corporation (hydraulic tooling).

I understand Jeff has pleaded guilty to aiding and abetting SCANA's maintenance of false books and records.

The nuclear industry is comparatively small and many of us that spent our careers working in and eventually leading different nuclear segments have spent considerable time together even when not working for the same companies at the same time. Jeff and I are no exception.

For more than a decade a moderately sized group of nuclear leaders from different companies would gather for a few days each year in Colorado socially and to 'solve the nuclear challenges of the day'. Jeff's participation was welcome given his extensive industry knowledge and the fact that folks simply like Jeff for his outgoing and open personality. I personally found Jeff to be insightful on industry wide issues and for me personally when we discussed individual job opportunities and changes. It was helpful to have a knowledgeable leader to chat with that was not hesitant to offer differing thoughts and ideas.

Jeff's broad-based industry knowledge is unique given his leadership positions as both a nuclear generator and nuclear supplier/builder. Jeff is a trusted big-picture nuclear voice. If the world is going to seriously tackle the challenge of climate change, nuclear power, in my opinion, must be part of the solution and allowing Jeff to continue to participate in the energy/nuclear industry is likely to help speed the solution along.

I left the day-to-day nuclear industry a few years ago and my wife and I reconnected with Jeff and his wife a couple of summers ago on a golf course in Colorado. We recognized Jeff's distinctive voice while he was playing his golf ball in our fairway! That turned into a nice opportunity to catch up and better understand the Westinghouse/SCANA situation and the impact it was having on Jeff and his family.

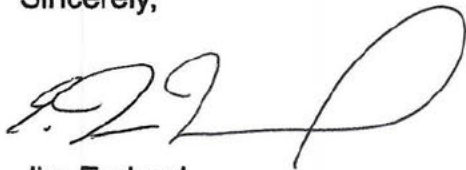
I believe Jeff has a lot to offer society in terms of both industry knowledge and personal relationships.

If you have any questions, please feel free to contact me at [REDACTED] or

[REDACTED].

Thank you for taking the time to consider my perspectives.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Ferland", with a large, stylized loop at the end.

Jim Ferland

# EXHIBIT G

The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

Marvin S. Fertel  
[REDACTED]  
[REDACTED]

September 16, 2024

Dear Honorable Judge Lewis,

My name is Marvin Fertel and I am writing this letter on behalf of Mr. Jeffery A. Benjamin. Since 1994 when the Nuclear Energy Institute (NEI) was formed, I have held executive positions at NEI, including Executive Vice President and Chief Nuclear Officer and from 2009 until I retired at the end of 2016, I was the President and CEO.

NEI's membership includes all of the U.S. utilities that operate nuclear power plants, most of the largest non-U.S. utilities that operate nuclear power plants, and U.S. and international nuclear equipment and fuel suppliers. A major strength of NEI is the expertise and leadership that its membership provides to address commercial nuclear industry safety, security and policy issues. It's in this context that I worked with Jeff over roughly a 20-year period.

I am aware that Jeff has pleaded guilty to aiding and abetting SCANA's maintenance of false books and records. Although I certainly don't know all the facts and circumstances that led to Jeff's plea, I do know that the Jeff Benjamin I have worked with for many years is a good man and a very capable member of the nuclear community. I thought that it would be useful to you for me to share my impressions of his character and his many contributions to NEI and the nuclear industry.

I first met Jeff shortly after NEI was formed because Jeff was the Administrative Point of Contact (APOC) for Exelon, which was NEI's largest member and the largest operator of nuclear plants in the U.S. As the APOC, Jeff was the primary interface between NEI and Exelon. In that role Jeff not only provided his expertise to support NEI and the industry, but also was the go-to person for obtaining other Exelon experts to work with NEI.

Overall, Exelon provided more support to NEI than any other member. While that was not solely because of Jeff, his credibility with Exelon management and his sense of responsibility to address issues facing the industry clearly were factors that resulted in Exelon committing experts to every major committee and task force NEI formed.

Maybe the most significant example for me of Jeff's leadership and collaborative skills was his role in heading the industry response to the tragic events of September 11, 2001. At that time, I was the Chief Nuclear Officer and nothing was more important for NEI and the nuclear industry than assuring the security at our nation's nuclear plants. While nuclear plants always

had security programs and they were regulated by the Nuclear Regulatory Commission (NRC), 9/11 put a whole new perspective on what we now had to defend against. Jeff was already

a member of NEI's Security Working Group and he became the Chairman of the industry team addressing the new security threats. Jeff not only worked intensively with our security experts and their management, but also with responsible federal agencies including the NRC, FBI and DHS. In particular, Jeff had extensive interactions with the security experts and management at the NRC. Because of the significance of the threat, I also was intimately involved with all aspects of the effort. As such, I saw firsthand Jeff's leadership and probably more importantly the credibility and respect he had with our own industry experts their management as well as the experts and managers at the NRC. The result of the effort was a dramatic enhancement of security at the plants with full endorsement of the changes by the NRC. I should also note that Jeff was the industry expert who testified before Congress on the enhanced security at the plants.

Another example where Jeff demonstrated his knowledge and commitment to do the right thing to solve problems and improve safety was by again accepting a leadership role in working with industry experts and the NRC to enhance the risk-informed regulatory process. While Jeff didn't do it alone, his credibility, knowledge and commitment was instrumental in moving the industry and the NRC experts toward a more effective risk-informed process.

When Jeff left the utility side of the industry to work on supplier and new plant projects, he remained very active on NEI's committees in those areas. While I wasn't as directly engaged with him on those committees, I certainly heard from others on my staff about his active and positive contributions to those industry activities. Finally, given the resurgence that nuclear energy is experiencing here and worldwide and the challenges society faces in meeting the rapidly growing electricity demand, I believe Jeff's experience and expertise allows him to be a significant contributor to both mentoring new professionals in the nuclear industry as well as personally contributing to the development of new nuclear plants.

My professional experiences with Jeff have always been positive. His knowledge and expertise made him a major contributor to the companies he worked for and to NEI. But beyond those very important strengths his ability to listen to others, collaborate and communicate effectively always enhanced the outcome of what he worked on. In essence, Jeff gained the respect of those he worked with from the industry, government and the public.

I hope you found some of my experiences with Jeff useful and thank you for reading my letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Marvin S. Fertel". The signature is fluid and cursive, with the first name "Marvin" and last name "Fertel" clearly distinguishable.

Marvin S. Fertel

# EXHIBIT H



August 8, 2024

To Whom It May Concern:

Re: Jeffrey Benjamin Sentencing Considerations

### **Introduction**

My name is Jeffrey E. Fuchs. I am a co-founder, Chairman and CEO of Delta Consulting Group, Inc. Since 2000, my firm has provided project advisory, investigations, risk mitigation and dispute resolution services to clients around the world. We perform a variety of in-depth schedule analytics and forensic accounting investigations on complex capital projects including nuclear power plants (e.g., Vogtle, USA), vital transportation infrastructure (e.g., Panama Canal expansion), hydroelectric plants (e.g., Manitoba Hydro, Canada), nuclear power (e.g., Hinkley Point, UK) and technology (e.g., Apple Computer headquarters, USA). Our clients include major international construction companies and consortiums, Fortune 500 corporations, as well as many of the Top 100 law firms.

My own background covers more than 40 years of experience in the construction industry. I am a licensed Professional Engineer (PE) in Maryland and have previously been licensed in Florida, New York and Washington, D.C. I am also a Certified Public Accountant (CPA) and am regularly listed in Who's Who Legal in various construction and forensic accounting categories. I have testified as an expert witness in over one hundred trials and arbitration hearings over my career.

My firm was hired in an expert capacity by Mr. Benjamin's counsel, Pillsbury Winthrop Shaw Pittman, in March of 2023, to conduct an independent investigation and assessment of Mr. Benjamin's role and conduct as it pertained to the management and oversight of the Virgil C. Summer nuclear expansion project in South Carolina. I am submitting this character letter, however, independently and without compensation simply to put Mr. Benjamin's professional character and conduct in context as I understand them, to assist the Court.

During my investigation, I had the support of several Delta colleagues and industry veterans with decades of experience and expertise in project scheduling, forensic accounting, project management and reporting for complex infrastructure projects, including nuclear power plants. Together, we had access to extensive project files, including project schedules, project status reports (daily, monthly), contracts and amendments, procurement records, project plans, and project correspondence (the "Project Record"). Further, we had several interview sessions with Mr. Benjamin to ask questions regarding the project timeline and sequence of events, his role and actions, and about what we saw in the Project Record. I also discussed my findings with him, based on our independent review.

### **Background**

First, it is helpful to understand what it takes to build a nuclear power plant, one of the most complex and complicated construction endeavors in the world. On average, it takes seven years to build a large nuclear plant, and several more years to commission and begin operations, not counting the many years spent in advance getting approvals for site, basic design and technology direction, and preliminary regulatory approvals. Construction delays and setbacks are very common in this sector, due to a variety of technical issues, construction issues (i.e., unforeseen conditions), political changes, environmental issues, legal challenges, business, and economic issues, to name a few. There is nothing simple or cookie cutter about plant construction



– each project is unique, even when using best practices and lessons learned from prior projects. There are hundreds of contractors and suppliers and well over 30,000 individual activities that must be scheduled and tracked, requiring teams of schedulers to oversee and update on a constant basis. It is extremely rare for a mega project, such as this, to be completed on time or on budget, given the issues normally encountered.

Westinghouse was Mr. Benjamin’s employer. One of the major issues they encountered during this project was the very poor performance of the installation and construction contractor supporting by Westinghouse. Westinghouse was the prime contractor and supplier of the AP1000<sup>1</sup> nuclear reactors; however, Westinghouse was not itself, a construction company and, therefore, originally worked with Chicago Bridge and Iron (“CB&I”) as its installation contractor under the Engineering, Procurement, Construction (“EPC”) agreement defining the Project. As it became increasingly clear that CB&I was performing poorly,<sup>2</sup> Westinghouse acquired the relevant business assets and personnel of CB&I; and Westinghouse hired another contractor, Fluor, on a time and materials basis, to oversee the construction labor force and installation. This was an exceptional measure that demonstrated Westinghouse’s commitment to seeing the project through to successful completion.

### **Summary of My Findings and Conclusions**

My investigation and analysis revealed several key conclusions that I was prepared to testify to at trial, had I been called upon. My key conclusions were:

1. Mr. Benjamin was doing what a sophisticated and experienced senior project executive should be doing for a project of this scale and complexity, under trying circumstances. His behavior was consistent with industry standards.
2. Mr. Benjamin and Westinghouse developed mitigation strategies when problems were encountered. For example, they went the “extra mile” by buying out a poor performing subcontractor, CB&I, in an effort to gain further control, and to resolve disputes that could have otherwise stopped the project cold for months if not years.
3. Mr. Benjamin and Westinghouse were compliant in form and substance with reporting requirements, and transparent with project issues, reporting schedule and cost issues to the Owners, as required under their contract with SCANA, the parent company of South Carolina Electric and Gas company, who hired Westinghouse to build the nuclear power plants. Mr. Benjamin and his team communicated frequently, clearly, and accurately to the Owners on the status of schedule, supplier and technical issues, and costs. Ultimately, Westinghouse’s performance of the EPC agreement was consistent with industry norms.
4. Mr. Benjamin provided ample schedule and cost warnings to SCANA officials to whom he was responsible contractually. As is normal within industry practice, the reporting gave a range of outcomes, given the status of certain of dependencies (e.g., equipment or material deliveries, worker availability or productivity, etc.) so that the Owner, SCANA, would understand ongoing risks as they might affect outcomes. While under an EPC agreement, the parties are still operating at arm’s length and absolute

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<sup>11</sup> The VC Summer nuclear power plant in South Carolina and the Vogtle nuclear power plant in Georgia, were among the first three nuclear plants to be built in the US in 20 years (see [The Most Recently Built Nuclear Power Plants in the US - 24/7 Wall St. \(247wallst.com\)](https://www.247wallst.com)). They were both using the AP1000 reactor, which had been deployed successfully in China, but was being further modified to meet newly updated US regulatory requirements. Mr. Benjamin had overseen the projects in China and was also overseeing the Vogtle project in Georgia. The two AP1000 reactors at Vogtle went into service in 2023 and 2024. The Vogtle project suffered many similar schedule and equipment delivery issues, but its operator, Southern Nuclear, managed its financing and oversight differently than SCANA and completed its two reactors.

<sup>2</sup> CB&I was subsequently sold to McDermott International, which filed for bankruptcy in 2020.

transparency is not required or expected. However, Westinghouse's reporting was detailed and comprehensive.

5. Mr. Benjamin was prevented, contractually, from going around his customer to regulators or any other parties with any concerns. SCANA had the responsibility to report issues to regulators and its investors. Mr. Benjamin had no duties or obligations to such parties and would have breached the contract with SCANA had he circumvented the contract to communicate directly with them.
6. Other parties (Fluor, SCANA) appeared to be working at odds with Project Objectives and made matters worse through their own poor performance (i.e., Fluor) and bad decision-making processes by SCANA (shifting too much risk onto WEC, avoiding alternative pathways that might have been more successful, misrepresenting project status to investors and regulators).

## Conclusion

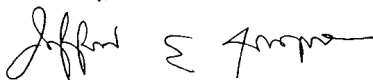
In my personal and professional opinion, Mr. Benjamin was doing everything he could do to deliver a successful project to SCANA and its ratepayers, as he had done on many other nuclear power plant projects around the world.

It is my understanding that Mr. Benjamin pleaded guilty in December 2023 to an information charging felony of "aiding and abetting the failure to keep accurate corporate records" by SCANA. Per my review, I saw nothing in the Project Record regarding Mr. Benjamin's participation that was inconsistent with how projects of such scale and complexity are measured and tracked. The project status was fairly and accurately reported to SCANA by Mr. Benjamin and his team. Accordingly, given the nature of his charge and plea, I respectfully request that the Court consider a lenient sentence or penalty, for the following reasons.

First, my review of the Project Record indicated that Mr. Benjamin was motivated and committed to making the project successful, that was his goal. He directed his team to provide sober assessments of the project status, and to challenge every underlying assumption in order to improve schedule performance, after the failures of CB&I. Notwithstanding his guilty plea, the Project's unfortunate failure was despite – not because of – Mr. Benjamin's participation and leadership.

Second, Mr. Benjamin is a rare executive with more than four decades of experience and knowledge of how to develop and build nuclear power plants around the world. According to the World Nuclear Association, there is increasing support for nuclear power across the globe as a clean energy source, with member nations calling for a tripling of nuclear power sources by the year 2050.<sup>3</sup> More than 60 nuclear power reactors are under construction currently.<sup>4</sup> In my view, the nuclear industry needs Mr. Benjamin's vast experience, having built plants in China and the United States in recent years. In short, given the high and increasing demands for sustainable, clean energy, Mr. Benjamin can best serve society by adding his knowledge and experience to the furtherance of supplying nuclear power.

Sincerely,



Jeffrey E. Fuchs, PE, CPA  
Chairman and CEO

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<sup>3</sup> See [At Work report 2024.pdf \(world-nuclear.org\)](#), page 1.

<sup>4</sup> See [Reactor Database Global Dashboard - World Nuclear Association \(world-nuclear.org\)](#).

October 8, 2024

To Whom It May Concern:

Re: Jeffrey Benjamin Sentencing Considerations

### Introduction

My name is Jeffrey E. Fuchs. I am a co-founder, Chairman and CEO of Delta Consulting Group, Inc. Since 2000, my firm has provided project advisory, investigations, risk mitigation and dispute resolution services to clients around the world.

My own background covers more than 40 years of experience in the construction industry. I am a licensed Professional Engineer (PE) in Maryland and have previously been licensed in Florida, New York and Washington, D.C. I am also a Certified Public Accountant (CPA) and am regularly listed in Who's Who Legal in various construction and forensic accounting categories. I have testified as an expert witness in over one hundred trials and arbitration hearings over my career.

This is my second letter in these proceedings – previously, I submitted a letter dated August 8, 2024, regarding sentencing considerations. My first letter contained important background and contextual information regarding the Project, Mr. Benjamin's role as the senior project executive on it, and my role as an expert witness in this matter. This second letter is meant to supplement my first letter, considering the government's Sentencing Memorandum dated September 23, 2024 (the "Memorandum").

### Review of Sentencing Memorandum – Observations and Comments

I have reviewed the government's Memorandum. My key observations are:

- 1. Role of Subcontractors and Impact of Contract Type:** The role of a subcontractor, such as Fluor, is to support and follow the direction of the Prime contractor, in this case, WEC. The Prime contractor has the responsibility and obligation to the Owners to deliver the Project, therefore, subcontractors must always take direction from the Prime contractor. It is important also to remember that WEC took on significant additional risk when deciding to buy CB&I (to gain greater control over fabrication) and to replace CB&I's constructor role with Fluor. Not only did WEC spend its own capital to purchase CB&I, but WEC also agreed to modify its Cost Plus Contract with the Owners.<sup>1</sup> In exchange for a modest schedule adjustment, and gaining the Owners' consent to replace CB&I with Fluor, WEC agreed to the inclusion of a **Fixed Price Option**, which, if exercised by the Owners, would obligate WEC to absorb all cost growth beyond the agreed upon delivery date and costs. Meanwhile, Fluor's contract with WEC was a **Cost Reimbursable** agreement. Unlike WEC, they were not obligated to absorb any contract losses resulting from any schedule slippage or continued cost growth. As a result, Fluor would benefit financially if the Project took longer to complete.
- 2. Prudent Estimate to Complete Considerations:** When WEC replaced CB&I's constructor role with Fluor, Fluor had agreed to implement a "Katrina response" and to execute a 100-day plan to change the trajectory of poor installation productivity and progress. Among the first tasks they agreed to perform in

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<sup>1</sup> It is our understanding that WEC had a Cost Type Contract with a Guaranteed Maximum Price ("GMP") ceiling. Under such arrangements, the Prime Contractor (WEC) is paid for actual costs incurred, plus an agreed upon profit margin, up to a contractual ceiling, typically with incentives to deliver for less than the ceiling price.

February 2016 was to determine the level of effort and cost required to complete the Project's deliverables by the Contractual due dates, which was a prudent and necessary first step in the "reset" process with Fluor and commitment to the Owners. This is known in the industry as an Estimate to Complete ("ETC"). Armed with this information, the Prime Contractor, WEC, would be in a position to determine and recommend to the Owners, the best path forward, which might include an "all hands on deck" approach to meet schedule dates, or if such an approach might not be possible, then determine the next best alternatives, which would involve a "rebaselining" effort, to show the next best alternative.<sup>2</sup> Fluor did not even begin the ETC effort until May of 2016, and only begrudgingly complied by October 2016.<sup>3</sup> Meanwhile, as of June 30, 2016, Fluor continued to fall far short of adding staffing to needed for the contractual baseline effort, noting *"we are approximately 400 short on project staffing at this time."*<sup>4</sup> Later in 2016, the Owners exercised the Fixed Price Option, effectively sealing WEC's (and the Project's) fate, based on my review of the Project Record.<sup>5</sup>

3. **Disputes with Subcontractors:** The government asserts that *"WEC fought Fluor's efforts to rebaseline the schedule and was loathe to cede control over the schedule"*<sup>6</sup> and further, that Mr. Benjamin's *"mantra was adherence to the June 2019-June 2020 schedule. He would tolerate no dissent."*<sup>7</sup> The government further paints Fluor as the party that could have rescued the Project, but for the *"obstructive conduct of WEC, as embodied and promoted by Benjamin."*<sup>8</sup> Based on my industry experience, and my review of the Project Record, Mr. Benjamin was exercising prudent project management in a difficult situation, by seeking an accurate assessment of what it would take to complete the Project by the contractual due dates, still some three and four years out as of the summer of 2016. Based on his own experience, and representations made by Fluor themselves, on how they planned to improve installation management and workflows, Mr. Benjamin had reason to believe the contractual due dates were still possible to achieve. But he needed the support and cooperation of Fluor to get there. In the summer of 2016, there were disputes and disagreements between WEC and Fluor as to how best to proceed and at what cost, with Fluor arguing that the entire project needed to be rebaselined, based on the then current poor productivity levels, and Mr. Benjamin's belief that, with reasonable productivity improvements, the contractual delivery dates were within striking distance. Unfortunately, Fluor's inability to hire experienced staff as noted above, and weak project management led to no discernable productivity improvements since it joined the Project in January 2016.

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<sup>2</sup> Once it would have been determined that meeting the contractually committed delivery dates was no longer possible, the Owners, working with the Contractors, could have mobilized an effort to seek extensions for tax credit incentives and pursued additional financing alternatives.

<sup>3</sup> Kevin Marsh, SCANA CEO, recognized that Fluor's *"subcontractor performance has been substandard and as such we have taken measures to remove scope and increase their management oversight on specific tasks. We have hired a third party to assess Fluor estimates and have found them to be grossly outside of current labor market and industry standards. This is not a witch hunt of Fluor but a recognition that we did not get a Hurricane Katrina response and they are far short of as promised nuclear construction expertise."* Attachment S, pdf. page 1 of 2.

<sup>4</sup> Attachment H, pdf. page 1 of 2.

<sup>5</sup> The Owners received a report from Bechtel in October 2015, not shared with WEC, that estimated an 18-to-26-month schedule slip. The Owners had also expressed concerns regarding WEC's creditworthiness and financial stability. Despite having these concerns, the Owners selected the Fixed Price option, shifting financial risks entirely to WEC/Toshiba, which led to its filing for bankruptcy in 2017.

<sup>6</sup> Memorandum, page 3, third paragraph.

<sup>7</sup> Memorandum, page 3, third paragraph.

<sup>8</sup> Memorandum, page 3, first paragraph.

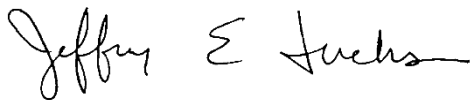
4. **Project Status Reporting Mechanisms** Per my review, I saw nothing in the Project Record regarding Mr. Benjamin's participation that was inconsistent with how projects of such scale and complexity are measured and tracked. The project status was fairly and accurately reported to SCANA by Mr. Benjamin and his team. In each monthly and quarterly presentation, contractual delivery dates and projected delivery dates were always presented, with issues and hurdles properly flagged and prioritized.
5. **Management Style:** The government has heavily criticized Mr. Benjamin's management style as being "intransig[ent]" and that he "used his position to quash dissent and, if his wishes had been followed, fire the author of the letters" criticizing him.<sup>9</sup> In my experience, and based on my review of the Project Record, Mr. Benjamin brought a unique set of skills to this troubled Project and was working as hard as was possible to make it successful. At times, he quipped, about the removal of personnel from Fluor, because they were not fulfilling the tasks they were *contracted* to perform. In my experience, he was right to complain about Fluor under these circumstances.

## Conclusion

In my personal and professional opinion, Mr. Benjamin was doing everything he could do to deliver a successful project to the Owners and the ratepayers, as he had done on many other nuclear power plant projects around the world. After examining the Project Record, including the Attachments the government included with the Memorandum, I am convinced that there was nothing nefarious behind WEC's or Mr. Benjamin's actions, that what was exhibited are normal aspects of construction project management and interactions between industry participants, operating in a highly stressed environment for all concerned.

In my view, the nuclear industry needs Mr. Benjamin's vast experience, having built plants in China and the United States in recent years. In short, given the high and increasing demands for sustainable, clean energy, Mr. Benjamin can best serve society by adding his knowledge and experience to the furtherance of supplying nuclear power.

Sincerely,

A handwritten signature in black ink, reading "Jeffrey E. Fuchs". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jeffrey E. Fuchs, PE, CPA

Chairman and CEO

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<sup>9</sup> Memorandum, page 4, last paragraph.

# **EXHIBIT I**



The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

Marcin Gawel  
[REDACTED]  
[REDACTED]  
[REDACTED]

May 30, 2024

Dear Judge Lewis,

My name is Marcin Gawel, and I have been working in the Polish nuclear project (the project to prepare for the construction of Poland's first nuclear power plant) practically since its inception in 2010. In 2011, I joined the nuclear companies established specifically for this project - PGE Energia Jądrowa S.A. and PGE EJ 1 sp. z o.o., and then I met Mr. Jeff Benjamin who, as part of the CH2MHill engineering firm, advised and supported the Board of PGE Energia Jądrowa S.A.

Prior to that, I worked for 10 years at a Polish consulting firm and then at PGE Polska Grupa Energetyczna S.A. (Poland's largest energy company), where I handled ownership (corporate) supervision. I moved from PGE S.A. to work in nuclear companies. At the beginning of my work in the nuclear project, I was involved in business strategy and defining the functional structure of the companies. Then I participated in the work related to legislation - the development of Polish laws on nuclear facilities, including both strategic and executive regulations.

At that time, while working at PGE's nuclear companies, I served as chief specialist in the Strategy and Development Office and then in the Regulatory Office.

Mr. Jeff Benjamin attracted attention from the beginning with his reliability and professional approach to his duties.

Mr. Jeff Benjamin is remembered:

- as an exceptional teacher and coach - Mr. Benjamin always openly shared his knowledge and experience from his work in management and the nuclear industry; this was all the more valuable because he was able to maintain a partnership attitude towards his interlocutors (regardless of their position),
- as a guide and advisor to the project by providing or assisting the company in learning about the nuclear industry (after the decommissioning of the Żarnowiec project in the 1990s, Poland lost its nuclear know-how), in discussions with potential business partners and contractors, as well as international organizations and institutions,



- as an active partner in discussions regarding the emerging Polish nuclear regulations,
- as an expert to assist the company in the sitting process and selection of a suitable location for its first nuclear power plant, taking into account international guidelines and best practices,
- as a competent member of the project team, not just an external advisor,
- as a reliable colleague who was ready to talk about any issue (even though my English is not the best).

I remember Mr. Benjamin as a trustworthy person - both at the business level and in social relations.

I firmly believe that Mr. Benjamin has had and continues to have more to offer the nuclear and engineering industry.

Mr. Benjamin, working for the Polish nuclear project, showed himself not only as a trusted expert able to use his theoretical and practical knowledge of civil nuclear power, use hard and soft competencies and skills, but most importantly to share his engineering experience and use it for the implementation of the construction of the first NPP in the most difficult, because initial, stage.

In conclusion, Mr. Benjamin, while advising the company and representing CH2MHill, always presented the highest level of competence, professionalism and business culture. Mr. Benjamin never treated co-workers with superiority. On the contrary, his attitude was respectful and attentive. An open attitude, including a constant readiness for substantive discussion, created the potential for growth both personally and, above all, for the progress of the nuclear project. Sharing knowledge and experience, in turn, enabled steady visible progress in building corporate maturity. Creating an atmosphere of open discussions, not from the level of a lecturer, not *ex cathedra*, but a partner just created a sense of unity of the project team.

I consider Mr. Benjamin's participation in the Polish nuclear project a success and very productive. I find him as a good, trusted and honest man.

Sincerely,

  
Marcin Gawel

# **EXHIBIT J**

May 28, 2024

The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

Re: Jeffrey A. Benjamin (Jeff)

Dear Judge Lewis;

I am Steve K. Hamilton, retired, but during the period of November 2013 to June 2017 I served as the Senior Vice President and Chief Quality Officer for Westinghouse. My role and responsibilities covered the quality aspects for the entire Westinghouse global business, including but not limited to Nuclear Fuel, Plant Services, Engineering and New Plant construction, along with supplier quality. I was specifically brought in to address concerns, of the then CEO Danny Roderick, in the Westinghouse Quality Program. During my time in this role, I had the opportunity and pleasure to work with Jeffrey A. Benjamin (Senior Vice President, New Plants and Major Projects). We were both brought in to address numerous challenges plaguing Westinghouse. This letter is intended to highlight what I believe were issues that predated Jeff's arrival at Westinghouse and were beyond his control leading to the eventual failed VC Summer nuclear plant project and bankruptcy of Westinghouse, and to Jeff's efforts, applying his skills and talents to reign in these challenges leading to a successful project.

I do not intend to go into a deep dive of the many issues but to simply highlight here what I believe to be acts by others that ensured that the projects could not be completed successfully.

1. April 8, 2008 a ***fixed price*** contract was signed that Westinghouse agreed to all liabilities beyond the contract price.
  - a. The plant design was not final
  - b. The supply chain was not developed
  - c. The US Nuclear Regulator had rewritten the regulations/process governing new plant construction and eventual licensing

- d. The NRC was understaffed for such a large undertaking and many inexperienced personnel were hired to fill critical roles.
  - e. The industry (Westinghouse and subcontractors) lacked the number of experienced engineers to take on a highly regulated project. So many non-nuclear experienced engineers were hired.
2. Plant design was finalized three years later on December 2011.
  3. Despite a final design, Engineering Design Changes (ENDCRs), poured in and began to backlog.
  4. While some nuclear experienced suppliers were retained, the supply chain had to be expanded to traditionally non-nuclear suppliers and efforts made to help them work in a highly regulated environment. As a result of poor supplier performance many components were shipped incomplete (conditionally released) needing to be completed at the construction site.
  5. Lawsuits started to build and the number of lawyers involved for all parties significantly increased, impeding communication, introducing delays and unbudgeted costs.
  6. In 2013, Westinghouse was forced to take a large write off due to engineering and supplier issues and in 2015 CB&I took a large write off.
  7. Many efforts were made to obtain project related information (specially related to the ETC) from CB&I the construction company on the project. CB&I repeatedly provided suspicious numbers but would cite pending legal action as the reason for not providing details.

I bring these facts forward, your honor, to provide relevant and important context in showing that this project had problems from the beginning. It is well known that Westinghouse, in an effort to gain control of the entire project, completed an acquisition of CB&I in 2016. Shortly after the acquisition was complete the reality hit Westinghouse leadership that CB&I had been providing incorrect project information, not only during the project performance but also during due diligence. The result was the eventual bankruptcy of Westinghouse. I would like to share just one example that I personally experienced that will highlight the compounding effect of the above facts. While touring a module manufacturer in Japan, between the completion of the CB&I acquisition and Westinghouse bankruptcy, the manufacturer pointed out that CB&I had withheld 400+ ENDCR's and allowed the manufacturing to continue with the original design. Upon completion of the acquisition, CB&I released the change notices and required the

manufacturer to remove completed work, to make the required changes and restore the module. This was an intentional act on the part of CB&I that led to both cost and schedule impacts.

I have provided this information to say; Jeff and his team worked tirelessly to overcome the head winds created by others, including prior Westinghouse executives that entered into inappropriate contracts, an unprepared supply chain and regulator, to subcontractor and supplier decisions. Myself and my staff worked with the new plants team, regulator, customers and suppliers to address many of the challenges. Jeff did his job with integrity, a questioning attitude and relentless commitment to both Westinghouse and the nuclear industry. Jeff stepped into a mess and made every effort to right the ship. As someone that was directly involved in the Westinghouse new plant projects and a peer senior executive working with Jeff, he went above and beyond to make this project a success.

I understand that Jeff has pleaded guilty to aiding and abetting SCANA's maintenance of false books and records. From Jeff's extensive formal education in nuclear engineering, and executive management, to his decades of experience at the executive level of US utilities and internationally recognized nuclear suppliers (Exelon, Rolls Royce, Westinghouse), and consulting with potential owners of nuclear power facilities, he has the breadth and depth of knowledge to play a valued role to the current international nuclear industry. Jeff should have the opportunity to continue as a valued executive, making a positive difference in the next generation of nuclear power.

Sincerely;

A handwritten signature in black ink, appearing to read "Steve K. Hamilton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steve K. Hamilton

Two solid black rectangular redaction boxes. The first box is smaller and positioned above the second, larger box.

# **EXHIBIT K**





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## **SITE CONSTRUCTORS, INC.**

The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

Richard Horn  
[REDACTED]

June 21, 2024

Dear Judge Lewis,

My name is Richard Horn. I've been a leading developer in the renewable energy sector for the past 40 years. My background is in the installation of large-scale industrial equipment. Initially, I worked for the Axel Johnson Group of Companies, a company focused on building circulating water pump systems for nuclear power plants. We built and supplied close to half of the circulating water pump systems for nuclear power plants in the United States. Subsequently, I founded a company called Site Constructors. We build, own, and operate wind farms for customers and large-scale solar projects. To date, we've built roughly 7,000 megawatts of hydroelectric power around the world.

I came to know Jeff over the past five years during our work to construct a renewable energy projects with municipalities in California. California has a significant solid waste disposal issue. Instead of putting the waste into landfills, which are more and more stressed in California, our projects take wood waste, including almond and pistachio shells, and extracts the gasses out of the wood without burning the wood. It's a clean air-driven renewable energy.

Jeff spearheads our interface and relationships with the major utilities with the goal of developing a relationship and interconnect agreement to export energy to the municipality's grid. The interconnect leads directly to the purchase power agreement between us, the developer, and the utility. Jeff's work has been absolutely critical to this project. His in-depth knowledge of the requirements for interconnection is extremely valuable. With both Jeff and our engineers working together, we've been able to quickly provide the required responses and interface with the utility. Jeff has the ability to communicate with the utilities on their level, know what their requirements are and understand what their saturations are like to transfer power under their specific restrictions. With Jeff's assistance, we are rapidly closing in on being able to begin construction of the first German-manufactured equipment in the United States.

Right now is the most critical time for Jeff's involvement because he is responsible for resolving any outstanding issues with the utilities. Those issues have to be resolved before we can physically begin any construction. We fully expect to order the machinery and equipment and begin engineering work in earnest, within the next two months.

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Moving forward, Jeff will continue to play an important role as we transition from development to delivery. Part of the delivery includes oversight of the constructor, making sure the contract provisions are fulfilled, that delivery schedules are followed, and that the contract is completed under budget. We deliver the engineering design and construction, which means we are a full supplier of projects. Partners prefer this because we have sole source responsibility. While we have engineers on staff, we hire a third-party engineering company to do the engineering or the construction and installation. That way they take responsibility for their design and make sure it meets all applicable local codes and restrictions; however, Jeff manages the engineers to make sure they comply with all the community codes and restrictions to make it a successful project. This role is essential as we go through the start-up and testing, so Jeff is really needed from beginning to end.

This is not a one-off project. We have numerous people and entities that are investing in these projects. For example, the municipality we are building this project for has already indicated they want four of these gasification projects in total. In addition, we have three other municipalities in California that want to use the same technology platform. It is going to take Jeff's expertise to get these interconnects through the utility, to get these approved and sequenced properly from a project delivery standpoint.

I've developed a genuine respect for Jeff's capabilities and talents. Jeff and I have an open dialogue where either one of us call each other at just about any time to discuss not only the gasification process but other renewable energy ventures. He's always willing to help and I've never had a cross word with him. Working with Jeff, I know I can check things off of my list, and I don't have to worry about double-checking anything that he's putting forward.

If Jeff were to be incarcerated it would substantially impact our ability to complete the projects. We would essentially be starting over again with someone who wouldn't know the background and the seriousness of the engineering impact on the different projects. Jeff has learned from his past and has focused his energy on doing what he does best: helping provide cutting-edge renewable energy across the globe. I hope you allow Jeff to continue to play that role for our project and many more to come.

Most Sincerely,



Richard Horn

President



Site Constructors, Inc.



# **EXHIBIT L**

August 20, 2024

The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

George Koucheravy  


Your Honor,

This letter is submitted for your consideration in connection with Mr. Jeffery A. Benjamin's sentencing. I understand that Jeff has plead guilty to aiding and abetting SCANA's maintenance of false books and records. For background, I have known and worked closely with Jeff during his entire tenure (June 2013 to February 2017) as the Senior Vice President of Westinghouse Electric Company's New Plant business unit. I am a retired Navy Captain with over 30 years' service in the Submarine Force, 10 years of employment with Westinghouse in the New Plant business unit and six years employment with Southern Nuclear Company (SNC) at the Vogtle Project. I retired from SNC after the completion of the Vogtle 3&4 nuclear power plants. From 2012 through 2024, I was working at the Vogtle 3&4 Project in Waynesboro, Ga. The first six years with Westinghouse and then the final six years with SNC. From November 2016 to September 2017, I was the Westinghouse Vice President and Vogtle Project Director and a direct report to Jeff until his departure from Westinghouse.

From my arrival at the Vogtle project in 2012, through Jeff's tenure at Westinghouse, the Vogtle and VC Summer projects were structured in a manner that required close coordination and constant communication between the Westinghouse teams at both sites. Although the two projects had different owners and contract structures, we were building an identical design on very similar schedules. Additionally, most challenges and issues which arose were common between the two sites and required alignment between both Westinghouse project teams. We spoke to our VC Summer counterparts daily, participated together in Jeff's weekly project status calls and met face-to-face at least every month (most of the time with Jeff present). The Vogtle project leadership team had little interaction with the VC Summer owners and vice versa. Each project had a Monthly Project Review (MPR) meeting with the owner and their stakeholders. Jeff was in attendance in almost all the Vogtle Project MPR meetings and I believe he attended the VC Summer MPR with the same consistency. Due in large part to Jeff's leadership, our communication between project teams was constant, our organizational structure close to identical and each project's daily cadence was similar.

It was my experience at Vogtle during my time working as part of the senior leadership team, that it was Jeff's expectation that the onsite team was the primary conduit for communication with the owner on all project related matters. I spoke to the SNC Project Vice President daily, developed all MPR presentation material, and notified the owner of any issue on the project directly and followed up after with a call to Jeff. There was never an instance when Jeff

attempted to manipulate or interfere with my communications to the owner. He did critique our presentations after the MPR but never in a manner to misstate facts or deceive our owner. His comments were centered more on style and completeness rather than substance. In most cases, if Jeff was going to meet with the SNC executives, he normally called me to discuss any of the owners' issues/concerns beforehand and normally followed up with a debrief of their discussions. Additionally, the SNC Project Vice President would also follow up with me after his discussions with Jeff. I can recall no instance where there were any concerns raised by the owner regarding the substance communicated by Jeff in any of those meetings. I do acknowledge that Jeff had many conversations with the SNC CEO of which I was not privy, but I can say that after the Westinghouse bankruptcy and Jeff's leaving Westinghouse, the SNC CEO did bring Jeff to site in an advisory capacity to assist in SNC making the decision to proceed with the project.

In January 2016, Westinghouse acquired our Consortium partner, Chicago Bridge & Iron (CB&I). This was a significant change to the organizational structure of both the company and the project. We were still working to our original contract but no longer with a consortium partner. Jeff tasked me with leading the efforts to restructure the project organization and the CB&I organization at their former corporate office in Charlotte. Jeff's direction to me was to drive to a similar organization structure with the same headcounts at both sites (recognizing there were some differences between the two projects) as well as streamline the corporate office structure. I worked closely with my VC Summer counterpart (Carl Churchman) and let him escalate any of our differing opinions direct to Jeff. As a result, we were close but never completely aligned throughout 2016. At the same time, we had to change our prime construction company from CB&I to Fluor. CB&I restricted Fluor's access to the site until the day of the acquisition which resulted in poor construction progress for several months after. Finally, as part of the acquisition, WEC needed to conduct an Estimate to Complete (ETC) for all the new construction projects. Having been involved with a couple of similar efforts during my time working for SNC, this corporate lead ETC was poorly organized, lacked the expertise to execute the task and the Westinghouse/Fluor team working on the construction portion of the ETC struggled to reflect a "best" estimate. Jeff expressed his frustration to me on several occasions and he took many actions to rectify the issue, but it never gained the traction needed. It is my belief that Fluor did not have the nuclear construction expertise needed to estimate and execute this complex work. During the ETC efforts, SNC was aware of Westinghouse's struggles with Fluor's construction estimates but this was not of prime concern to our owner in 2016. I have no knowledge as to what was communicated to the VC Summer owner by that site team.

As 2016 ended, the Vogtle and VC Summer projects were struggling to meet both our company's and owner's expectations. Construction progress was lagging in large part due to Fluor's struggles to meet nuclear construction standards and the ETC effort lacked the rigor and detail needed to provide the confidence that the final numbers reflected reality. It was at this time when the Westinghouse owner Toshiba became more engaged with both the ETC efforts and the site construction progress. I believe that Jeff's communication to myself and my project team was transparent and accurate. From November 2016 through January 2017, we spoke every day, he was on site at least every other week and on several occasions, Carl Churchman and I flew to the Westinghouse corporate headquarters on the weekend to review status and plans. It was my belief that these informal meetings allowed better alignment between the two projects, gave us

an opportunity to ask any questions, voice our concerns and Jeff addressed our questions/concerns. On several occasions, he told us what he did not know or could not predict. I believe that these sessions were strictly problem solving and not trying to put a spin on bad news. They were of great value to me to appropriately communicate and lead the 8,000 project staff/craft working on the Vogtle project.

It was Jeff's idea to reach out to Bechtel and bring over 100 seasoned nuclear construction professionals to the site, integrate them into the project construction teams and attempt to "jump start" the hardest of the construction tasks. Fluor pushed back hard to prevent this, but we worked through the challenges, and they were in place by early January 2017. This was a great success but unfortunately it came a few months too late to prevent Toshiba's decision to remove themselves from their project responsibilities and place Westinghouse into bankruptcy.

The Vogtle project was an incredibly complex First of a Kind effort which was brought to a successful conclusion only through the dedication of the over 50,000 craft and professionals who worked at the site from hundreds of different companies over the 12 years from the start of nuclear construction. In hindsight, mistakes were made by all the companies involved. It was my experience that we learned from our mistakes and moved on. Accountability is a key aspect of both leadership and corporate governance. In many cases, senior leaders were held accountable for both their decisions and performance. I can think of no instance where it was an issue of malfeasance which drove change of project senior leaders/executives associated with the project.

During my naval service, I had the privilege to work directly for many very senior Flag Officers (Admirals and Generals) along with high-ranking federal government executives in my many different assignments. It is my opinion that Jeff Benjamin shared many of the leadership traits that I was accustomed to during those assignments. He was a boss who valued his employees but also challenged them. I always felt free to express my opinions, offer suggestions/advice and always valued his perspective/feedback. When I needed help at Vogtle, Jeff always took my call and supported my requests to the best of his ability. I appreciated his work ethic, intelligence and broad nuclear industry experience. In my opinion, he did all that was expected of a senior executive and I always looked forward to his visits onsite.

Jeff has paid a huge price for what happened at VC Summer in terms of his reputation and lost opportunities over the last seven years. I feel that jail time on top of what he has already had to deal with is unwarranted. As our nation continues to address the energy challenges that we face in the very near future, Jeff can make significant contributions to these efforts.

Thank you for considering my letter. I would be happy to answer any additional questions. My cell phone number is [REDACTED].

Very Respectfully,

A handwritten signature in black ink, appearing to read "Koucheravy", with a stylized flourish at the end.

George Koucheravy

# **EXHIBIT M**

The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

Todd Mitchell  
[REDACTED]  
[REDACTED]

June 24, 2024

Dear Judge Lewis:

My name is Todd Mitchell, and I am the founder and managing principal of CEO Solutions, LLC which provides advisory services to local businesses through board participation, strategic planning, turnaround guidance for troubled companies, merger & acquisition assistance, and outsourced CFO services, including being the Chairman of the Board of McMillan Pazdan Smith, LLC, a regional architectural firm, for four years that ended in January. Prior to founding CEO Solutions, I served as the Chairman of Elliott Davis, LLC, a regional public accounting firm headquartered in Greenville. I also am a member of several private company Boards of Directors, have been actively involved in civic activities throughout South Carolina including my current Board seat on the South Carolina Policy Council, and am active in Woodruff Road Presbyterian Church in Greenville.

I write to you in fervent support of Jeff Benjamin – a close friend of mine for over 15 years. I have had the pleasure of celebrating Jeff and Colleen's marriage, my wife and I have stayed with Jeff on a number of occasions, and we've shared significant time on the golf course. Over the years, Jeff has provided invaluable family, personal, and business advice to me. The Jeff I've grown to know quite well is a man of great integrity and veracity. He plays by the rules and holds not only himself but others around him to a high standard. I have seen him as his partner in a number of situations on the golf course in tournaments where he could have improved his dire situation out of sight of opponents which I have seen others do so at times, yet Jeff always has played by the rules and expected everyone else to do so as well. Another example occurred while I was hosting Jeff and Colleen at Sage Valley Golf Club. While Jeff was trying to park their Sprinter van in an off-road area on Club property, the underside of the vehicle became damaged. Jeff could have blamed me, the Club, or others, but he immediately took responsibility for the situation, resolved the problem, and still was engaging to make the day enjoyable for all of us. What I have witnessed is that he does what he should do whether seen or not. Candidly, that's why it was shocking to hear Jeff say that he pled guilty. The Jeff I know, be it on the golf course, in client situations, or just in his backyard, is someone I've come to trust, and I don't trust easily.



Jeff has a deep passion for sustainable energy, and I firmly believe has much to contribute to the energy industry. His unique experience, expertise and leadership are sorely needed, particularly as our current energy grid and infrastructure are becoming less and less reliable. In this environment, nuclear energy applications are becoming more important as an alternative. Jeff's energy consulting is focused on providing my clients and people across the country with more localized power generation from multiple sources in order to have trustworthy and continuous power available to them.

If Jeff were to receive a sentence of incarceration, it would devastate Colleen and his children. This process has already been extremely detrimental emotionally for friends and family members. The business community would be impacted as well because Jeff would be taken out of being productive as the nuclear energy industry is reinventing itself through small modular reactors and becoming viewed as a viable and acceptable alternative to carbon-based energy generation. All of us have failings and none of us are perfect, but this mistake by Jeff is really the only major mistake I have seen or heard of that he's made in the 15+ years I've known him. Jeff has shown me that he has accepted responsibility for his actions. I sincerely hope you will consider the person he's been throughout the entire time I have known him and that you will allow him to continue to be a positive impact in the community as opposed to being removed from the community.

Thank you for considering my letter.

Sincerely,

A handwritten signature in blue ink that reads "Todd R. Mitchell". The signature is fluid and cursive, with a long horizontal stroke at the end.

Todd R. Mitchell

# EXHIBIT N



July 10, 2024

Duane Christopher Olcsvary



The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

Your Honor,

I write to you today to share my thoughts on Mr. Jeffery A. Benjamin, a man that I first came to know in 2008.

My own career in commercial nuclear power began in the construction of a new plant in 1983. Since that time, I have been appointed to positions of progressively increasing responsibility. I have had the privilege of working under, and directly for, some of the most recognized leaders in the nuclear power industry. It takes strong leadership to manage a nuclear megaproject, and this leadership style can vary greatly, ranging from the person that no one likes (the aggressive and always angry driver) to the person that everyone admires and aspires to be like.

For the more than 20 years I was employed by the Tennessee Valley Authority (TVA), I served as direct report and advisor to the Chief Nuclear Officer, three successive Chief Operating Officers, and TVA's first Chief Executive Officer. While working in these roles, I collaborated with senior executives every day. I was involved when a performance or behavior issue needed to be resolved. From my unique experience, I was able to gain an eye for what good looked like for a nuclear power executive. I draw on this experience in preparing this letter for my former leader and friend, Jeff.

I was recruited by CH2MHILL in 2008 to leave my TVA career (and family) and go to Abu Dhabi in the United Arab Emirates. I did not make this life-changing decision without great deliberation. I consulted my local Congressman before finally deciding to go help bring commercial nuclear power to the Middle East. It would have otherwise been easy to say no, after all, before this assignment, I had never been outside of the United States. But the first conversation I had with Jeff by phone made all the difference. There was an immediate connection. The tone of his voice, the words that he used, left me sharing with my wife that this was someone that I wanted to work for.

It didn't take long after my arrival in a country seventy-five hundred miles away from home that I had made the right decision. Jeff made everyone feel welcome, but he made us each feel important. He frequently spoke of the importance of the project to the region, and how we all would play a critical part in its success. He looked you in the eye when he spoke to you. Not long after my arrival, this man was asking about my wife (by name) and family. There was tremendous schedule pressure on this project—the team needed to move from nothing to

negotiated twenty-billion-dollar contract in the span of a year. And it was accomplished, beautifully so, under Jeff's leadership. Jeff had stepped into another country, with its vast multi-culture, and led the team to remarkable success. Engineers, contracts and legal experts, and project managers were all inspired to accomplish this.

I was moved by what I had witnessed. So much so, that I worked with the team to commission a photo depicting Jeff-the-leader speaking to the team overlayed on a map of the UAE. Its caption thanks Jeff for bringing peaceful commercial nuclear power to the region.

My work under Jeff did not stop there. I would later follow Jeff to the United Kingdom, and then Poland to work in similar roles, and in different cultures. When a teambuilding dinner or activity was required, Jeff didn't hesitate or hold back, and fully inclusive. There was no "us and them" on the team—everyone was included.

But the accident at Japanese Fukushima-Daichi nuclear plant changed everything and our work in Poland suddenly ended. I worked for a period of months following in the home office of CH2MHILL in Englewood, CO. During this time was able to observe Jeff in a different role—leading proposals for other large nuclear plant project, such as in Switzerland. Once again, I witnessed Jeff inspiring and motivating a team of experts to get a large amount of work done in a short amount of time. While doing this work, I was invited into the Benjamin home near Aurora, Colorado. Jeff not only invited me and a colleague into his home, but he personally prepared and served the meal.

With the slowdown of global nuclear new-build, I returned to TVA, supporting its large nuclear, and non-nuclear projects. During this timeframe Jeff would be recruited to TVA to fill a position as Nuclear Licensing Executive. When asked by TVA to speak to his ability and character, I offered that, from my personal experience, "he is the greatest all-around nuclear executive that I have ever worked for." But TVA did not move quickly in filling the position, and Jeff would then accept a position with Westinghouse Electric Company, LLC (WEC), to lead its new nuclear plant design, AP1000 program.

In late 2013 I was contacted by WEC with a job offer. While I had great interest in WEC's AP1000 design, I declined the offer at least once before a call from Jeff resulted in my acceptance. Jeff indicated that he would be leading the AP1000 programs, in China, South Carolina, and Georgia for WEC. I agreed to accept the offer, and as a direct report to WEC's General Counsel, I would eventually become WEC's Vice President of Commercial Affairs.

In 2014, I was able to raise a good sum of money in running a charitable half marathon for St Jude's Hospital in Tennessee. Jeff was the first person to write a nice-sized check.

My position under the WEC General Counsel was a niche one. My team contract specialists and project managers witnessed first-hand the challenges faced by each project. First-of-a-kind (FOAK) technology, confronted with FOAK and complex regulatory requirements and processes made these non-typical projects. My team observed the daily work, taking notes on identified delays and changes impacting it. My office was located at WEC headquarters in Cranberry Township, PA, but I would attend the site project review meetings in South Carolina and Georgia when I was able to. I was on the line many times when Jeff would be leading the discussion on how to resolve a current design, quality, licensing, or project issue. Jeff routinely interacted as

one of the team, asking the right questions to help the team achieve consensus on a solution.

The inspirational Jeff was most visible during the all-hands meetings at WEC headquarters. He had developed a commemorative coin of sorts as an employee recognition tool. Receiving one of these coins in front of a thousand company employees became a status symbol. But I don't think it was the coin that made the recognition so desirable, I believe it was the feeling an employee received from Jeff's introduction. Jeff made it very personal for each employee, interacting in employee recognition in a manner rarely observed in my career. He just made them feel proud. Observing this many times left me wishing that I could earn this type of public recognition.

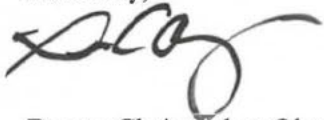
At one point, I was asked to lead the development of what would become the final estimate to complete (ETC) for the VC Summer Project in South Carolina. Jeff, as executive sponsor for this work, required a comprehensive charter to guide the team to its eventual work product, and then let the team do its work. Jeff was very supportive throughout this difficult process, and after asking very relevant questions, readily accepted the team's findings. I was present in the meeting where Jeff (in the presence of the WEC CEO) presented the ETC team's findings to the various owner/stakeholders. The findings were not well received. There was name-calling. Jeff did not attempt to make the information any easier to swallow. He was forthright and direct.

From my observations, the relationship between WEC and the owners was strained, and contentious. It was evident to me that the owners recognized that the risks of a FOAK nuclear new-build project were being realized but were simply unable to effectively manage it. In the exchanges that I observed between Jeff and the owner's project leadership I was always comfortable with his answers to questions. I never felt that he was holding anything back. I do recognize that Jeff has pleaded guilty to aiding and abetting SCANA's maintenance of false books and records. But to this day, I do not understand why.

Jeffery Benjamin still has much to offer the nuclear power industry. He possesses unique experience and skills that the industry could greatly benefit from. His kind—leaders that have actually led nuclear projects—are few in the industry. I have recently started up a new company, Next Nuclear, LLC, devoted to the advancement of small modular reactor technology. I would be proud to have Jeff as a part of my team. From my view, it would be a worse tragedy for him to be incarcerated. In addition to the negative impact to his family, I believe that incarceration would silence a very useful source of nuclear project experience.

Thank you for your consideration of the information that I have provided here. I am currently consulting in Abu Dhabi in the United Arab Emirates, but I am always available to provide further clarification or answer any questions that you might have. Please reach out to me through any of the contact methods identified below.

Sincerely,



Duane Christopher Olcsvary



# **EXHIBIT O**

[REDACTED]  
[REDACTED]  
  
August 18, 2024

The Honorable Mary Geiger Lewis

United States District Judge

901 Richland St.

Columbia, SC 29201

Judge Lewis,

I first met Mr. Jeffrey A. Benjamin when I was working for Westinghouse Electric Company as the procurement engineering manager seconded to our customer (State Nuclear Power Engineering Corporation) in Shanghai, China. In my seconded role within the customer organization, I had limited visibility into the actual situation with the delayed completion of the Westinghouse AP1000 plant design. I had participated in the project quarterly review meetings for years and had seen the impacts of the delayed design on the advancement of the project.

Shortly after Jeff joined Westinghouse, he visited the China sites and observed firsthand the impacts of the construction work fronts that were stopped and the completed work that needed to be ripped out due to the erroneous design. Jeff made a commitment to the customer to investigate the *actual* situation and develop a plan to remedy impacts to the project of the late design. He subsequently challenged Westinghouse corporate engineering leadership and led the development of a mitigation plan to complete the design and unblock the project. Although this plan required mandatory overtime over a period of more than one year, I am convinced that without this plan, the China AP1000 project risked cancellation or at a minimum, many years of delay with cascading delays to the Vogtle and VC Summer AP1000 projects in the United States. Jeff demonstrated HIGH INTEGRITY in rooting out the causes of the late design and developed recovery plans, thus minimizing Westinghouse commercial exposure and ultimately benefited thousands and

people throughout Westinghouse, the customer, our consortium partner and supplier organizations.

Upon completion of my expatriate assignment, I returned to the Westinghouse Cranberry Township, PA corporate headquarters and assumed the role of Equipment Delivery director (also within Jeff's organization) supporting the China, Vogtle and VC Summer AP1000 projects. I inherited the problem of repeated test failures on the critical two-story reactor coolant pumps supplied by the Westinghouse supplier, Curtiss Wright, which ultimately caused a significant delay to the AP1000 Sanmen Unit 1 schedule. On the Friday of my first week in this role, I attended a challenge review of the supplier's corrective actions to address the performance failures which was presided over by Jeff's predecessor who had continued within the organization in a consulting role. The supplier presented their complex computational analysis which predicted that the performance test would fail. The supplier argued that the analysis was conservative and that the alternative corrective actions would take several months to implement and correct. Jeff's predecessor endorsed the supplier to proceed with the test which suffered a catastrophic failure (as the computation analysis had predicted). The test failure increased the schedule delays and reduced customer and regulator confidence in the overall AP1000 plant design.

Over the subsequent weeks, Jeff's predecessor left and I had daily interactions with him from that point forward. Jeff supported the decision to bring on a costly expert consultant from MPR Associates and set high expectations for Westinghouse and the supplier to put in the technical rigor to truly understand the causes and put in place the design corrections to prevent future failures. He provided me with the full availability of any resource within or outside Westinghouse to get to the right solution. Months of computational analysis utilizing the fastest computers available to Westinghouse and the supplier, Curtiss Wright, ultimately resulted in a successful test and delivery of the reactor coolant pumps which enabled the China AP1000 project to move forward. The gravity of the situation resulted in weekly Westinghouse briefings to the White House who, in turn, had frequent meetings with Chinese government officials. Throughout this entire period, Jeff never once pressured the team to compromise on the rigor or otherwise shortcut the process to arrive at a high confidence, high quality product.

At the time of the acquisition of the Chicago Bridge and Iron nuclear division, Jeff asked me to relocate to Charlotte, NC and lead the modular fabrication organization for the AP1000 VC Summer and Vogtle projects which was previously the scope of Chicago Bridge and Iron (multi billion dollar scope). Within my first 3 months, I organized and completed an assessment of the true cost to complete and deliver the modules, identifying significant cost increases. Through the corporate governance processes, Jeff approved and allocated

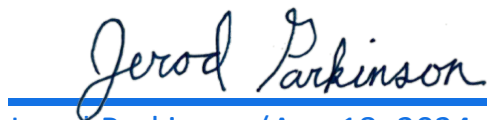
budget to cover the cost increases. Never at any time did Jeff attempt to avoid or otherwise impede the allocation of sufficient budget that was needed to complete the work.

I participated in the critically important December reviews in the Charlotte hotel conference rooms with the Fluor corporate representatives when the cost to complete the AP1000 Vogtle and VC Summer projects was consolidated. This was the first time that the construction estimate to complete, prepared by Fluor, was made visible. The costs to complete were staggering and it became apparent, through questioning of the basis of Fluor's estimate, that even with the best mitigation plans the construction cost increase would be billions of dollars. Jeff challenged both the Fluor and Westinghouse teams to look for every opportunity to mitigate the cost increases although I never saw Jeff place undue pressure or encourage anyone to alter (reduce) their cost estimates without a sound technical justification. On the last day, the responsible Toshiba (parent company) representative attended the report out meeting together with the Westinghouse CEO. I recall Jeff calmly defended the cost estimation process and cost increase value under heavy scrutiny from the Toshiba leader.

The above summarizes a few of my interactions with Jeff over years on the China, Vogtle and VC Summer AP1000 projects. In summary, I found Jeff to be a person of high professional integrity and guided by strong professional values and who consistently placed a priority on rooting out the correct solution over short cut alternatives. I understand that Jeff has pled guilty to aiding and abetting SCANA's maintenance of false books and records. I hope that Jeff can speedily return and provide valuable leadership and expertise in the many new nuclear build projects that are in various stages of planning and development throughout the world.

Sincerely,

Jerod Parkinson

A handwritten signature in blue ink that reads "Jerod Parkinson". The signature is written in a cursive, flowing style. Below the signature is a solid blue horizontal line.

Jerod Parkinson (Aug 18, 2024 16:33 EDT)

Director New Nuclear Projects

Westinghouse Electric Company

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# **EXHIBIT P**



**Michael V. Paulin**

[REDACTED]

[REDACTED]

[REDACTED]

September 30, 2024

The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richards Street  
Columbia, SC 29201

RE: Mr. Jeffrey A. Benjamin

Dear Judge Lewis:

Thank you for the opportunity to offer a personal perspective on the character of Jeff Benjamin.

While presently retired, I was an entrepreneur-hotelier in Hawaii (1964 to 2014). I owned and operated a hotel company in Hawaii, Aqua Hotels, until I sold the company in 2014 and relocated to the Aspen area of Colorado. Aqua operated 26 hotels across 5 Hawaiian Islands comprising a total of 4,000 rooms and suites. Aqua was Hawaii's largest locally owned hotel company and one of the largest independently owned hotel companies in the US. When I sold Aqua in 2014, it was recognized as Hawaii "Employer of the Year," had 1,500 employees and was 30% employee owned via an ESOP (Employee Stock Ownership Plan). Today, I continue to retain minority interests in several of these hotels which are operated by Marriott Vacations under the brand Aqua-Aston Hospitality. My wife, Aida, and I continue to maintain a residence in Honolulu as well as Sedona and Cabo San Lucas.

Upon relocating to Colorado, we became acquainted with Jeff through his then future wife, Colleen. My wife, Aida, and I had known Colleen for many years and were thrilled for their courtship. Jeff is an exceptional golfer while we and Colleen were novices at best. Nevertheless, Jeff took his "scratch" game down many notches to share his knowledge by actually playing alongside us on dozens of occasions. He has an uncanny knack for coaching and encouraging the best

from people. Our games improved and after a couple of years of playing with Jeff the 3 of us were routinely carding personal bests while Colleen and Aida were competing as a team in tournaments. We shared golf getaways to my residences in Sedona and Cabo. Jeff reciprocated with his patient coaching while practicing his considerable culinary talents on our grills with his effervescent smile and positive mental attitude.

Being around Jeff is all about family and caring for those in need. From time to time, he and Colleen would take-in Colleen's mom to reside with them. It was, also, a time when Colleen's dad needed extra caring along with her sister. Jeff's kindness and generosity saw to it that Colleen's family came first whether it was a trip back to Ohio or having the family out to Colorado. I was so impressed how Jeff invariably placed Colleen's priorities ahead of his. Time and again, Jeff's chief concern was for Colleen and her family's wellbeing.

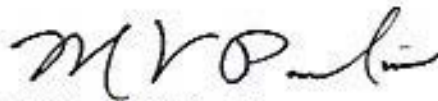
In 2021, when I was asked to be the Officiant for their marriage, I reflected on the past years of knowing Jeff and the joy of being part of their love affair. We had become best of friends. We had shared so many times together including the good and the sad. I had watched, with considerable admiration, Jeff put aside his own wants and needs in favor of Colleen's family. I reflected on all the recreational activities we shared together and the "brotherly" advice we had shared with one another. I reflected on their taking time to join Aida and I for her special birthday celebration in 2019 in Bordeaux. They are a popular couple, and I was enormously honored to have been the Officiant for their marriage. Their wedding day July 11<sup>th</sup>, 2021, is indelibly in my calendar.

In 2019, we co-invested with Colleen and Jeff and numerous others in a cutting edge "green" energy startup company Verdant Micro-grid which has provided me an up-close view of Jeff's acumen in the field of energy. We are pleased with the results and more able to understand the value of alternate forms of energy delivery. Over the ensuing years, I have sought Jeff's wisdom on several personal financial transactions for which I am grateful.

Jeff comes from a "heartland" family in a small Montana prairie town. I know his mom, dad, and brothers and the toll this has taken on them. Moreover, Colleen is one of the most upfront and respected women in our community. She is all about outreach and helping the underserved. When something needs to happen, Colleen's hand goes up first. Jeff has contributed to filling a vast void in her life which has furthered her community outreach. I've known Colleen for years and believe Jeff's incarceration could take her to the tipping point and turn her inward.

The decision on Jeff's potential incarceration is outside my calling. Jeff, above all, is a gentleman of the highest order. He is honest. He is deferential. Jeff is a person with whom I would trust with my 3 children's trust funds.

Yours truly,


A handwritten signature in black ink, appearing to read "MVP" followed by a stylized flourish.

Michael V. Paulin

# EXHIBIT Q



The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

William (Bill) Poirier  


June 24, 2024

Dear Honorable Judge Lewis,

I write in support of Jeff Benjamin, a man who has earned my deep respect. I'm now retired but worked for Westinghouse's Nuclear Division for more than 45 years. Prior to that, I served in the United States Navy for 5 years in the nuclear submarine program. During my time at Westinghouse, I worked in many different capacities, from a site manager to the President of Westinghouse's European Operations. In fact, I worked on the start-up of the first VC Summer nuclear power plant, from 1978-1981, and my one and only daughter was born at Lexington County Hospital in Columbia, South Carolina.

I recall meeting Jeff when he was hired by Westinghouse in 2013, as he became the leader for all of our new nuclear plant building projects. At that time, I was in China and had been the VP and Project Director for the Sanmen and Haiyang China nuclear projects since 2005. I reported directly to Jeff. Jeff came to Westinghouse with an extensive background in the nuclear industry. He worked at one of the premier nuclear utilities in the United States—Commonwealth Edison. He was a plant manager there and made effective changes at his plant to improve both the nuclear safety culture and operating performance. Jeff is very articulate, a very good communicator, leader and has very high standards for nuclear safety and personal performance.

Jeff brought in a new level of focus and attention to detail for Westinghouse's three new build nuclear projects at the time – China, VC Summer, and Vogtle. He instituted weekly project review calls, which included my counterparts from VC Summer, Vogtle, and all the numerous support organizations in headquarters. During these calls, my US counterparts and I reported to Jeff on key metrics and issues and actions being taken to resolve these issues. Jeff questioned us and challenged us, but ultimately he was there to support and to remove impediments. From my perspective, these meetings were highly effective. Jeff also implemented monthly comprehensive project review meetings for the China project, since we were the lead new build project. This monthly review would take all day – 6:00am to 6:00pm and all the key leaders in headquarters for the project disciplines would attend, more than 100 managers. Jeff would review all aspects of the project, from engineering to procurement activities with a focus on what issues we were having. The China project customer regularly attended many of those monthly meetings, sending two to four managers and engineers fluent in English.

Representatives from both the Vogtle and VC Summer customers also attended. We were very transparent with our Chinese customer, and we gave them an opportunity first-hand to see what we were doing and to ask questions during the meeting. These meetings with our Chinese customer were also open to the U.S. teams and their customers to give them an opportunity to see, ahead of time, what issues they may encounter and how to deal with them.

Like many first of a kind, large construction projects, we had our fair share of issues that caused us to be behind schedule from engineering completion, but Jeff never wavered in taking the time to understand the issues and remediate them appropriately. There were many times from 2008 to 2013 that we set dates for engineering completion and missed those dates and had to readjust the schedule and I communicated these delays to Chairman Wang, who was the senior Chinese leader for this project. After Jeff's arrival at Westinghouse in 2013, Jeff led a comprehensive review of all the actions needed to achieve engineering completion. Jeff spent six or seven days a week for a couple of months getting the project scoped out properly. He put everyone on mandatory overtime and, every Saturday, had a detailed review of the progress against engineering completion. Jeff went back to Chairman Wang in June of 2013 with a revised schedule that said instead of a few months, it would not be complete until September of 2014 – over a year later. It was a very sobering moment for Chairman Wang, but ultimately Jeff's candor earned Chairman Wang's trust. The fact that Jeff did not waiver speaks to Jeff's willingness to communicate tough news with honesty. There were many challenging, technical first of a kind issues we had to deal with, but because of Jeff's leadership, we were able to finish safely and ahead of schedule, even though it was later than the customer would have otherwise liked.

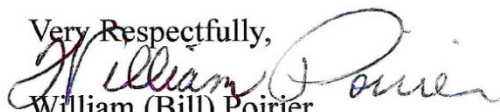
Another example of Jeff's leadership was his efforts to guide us through the challenges with the Reactant Coolant Pumps or RCPs. RCP's are key critical components in a nuclear plant that circulate 100,000 gallons of water per minute to the nuclear reactor during plant operations. We had a supplier, who worked for us, that had technical issues that Jeff actually identified. Jeff's observations led us to go back and challenge that supplier and we ultimately found that there were several additional issues that needed to be addressed. The cost of these remediation efforts was to add further delays to the project, but Jeff understood the trade-off. What he constantly emphasized was that we had to make sure this was done correctly and that there were no concerns about nuclear safety. Jeff led communications with the senior management of the China customer. Again, this is not easy news to deliver. Jeff stood tall both internally and externally with the customer and the regulators in China and the U.S., to make absolutely sure that we had no issues, questions, or concerns with the RCPs. He did this independently of our supplier. There's just a certain level of integrity you need as a leader in the nuclear industry, and Jeff certainly demonstrated that for the issues of engineering completion and the reactor coolant pumps.

While much attention is focused on the unfortunate conclusion of VC Summer, in my opinion what Jeff did in fact achieve cannot be overlooked: six nuclear reactors are producing power for communities in China and the U.S. as a result of Jeff's leadership. That's hundreds of thousands of people that will have sustainable nuclear power for the next 60-80 years. As we begin a new era of power diversification to respond to global warming, Jeff stepped up to lead

under challenging circumstances with the right priorities. Of course these projects had challenges and difficulties, as all first of a kind, complex nuclear reactor projects do, but Jeff communicated consistently and candidly to the Chinese customer under difficult circumstances, with integrity.

Jeff has already paid a significant price for what happened at VC Summer. To have any restrictions on Jeff in the future, including jail time, from my perspective, is unwarranted. Jeff can make great contributions to the resurgent nuclear industry now, at a time when its capacity to provide safe and sustainable carbon free energy is vital: from the building of nuclear power plants to the operations of nuclear power plants, to helping people understand what's important, what can't be compromised and what a healthy nuclear safety culture is. Jeff can advise utilities preparing to build new nuclear power plants on how to work their way through the mine field of all these things that can cause problems. Safely building and operating new nuclear plants is very complex and costly. There are not many people who know how to do it and control the schedule and costs—Jeff is one of the very few. Jeff has the knowledge and skill set that society needs now.

Thank you for taking the time to consider my letter.

Very Respectfully,  
  
William (Bill) Poirier

# **EXHIBIT R**



Charles R. Pollard



June 17, 2024

The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland Street  
Columbia, SC 29201

Re: Mr. Jeffrey A. Benjamin

Dear Judge Lewis:

I am writing this letter on behalf of my colleague, mentor, and friend Jeffrey A. Benjamin. I know that Jeff has pleaded guilty to aiding and abetting SCANA's maintenance of false books and records, and that the sentencing hearing is upcoming. I have known Jeff for 17 years and offer the following for your consideration in this matter.

I am a retired graduate engineer with over 46 years of professional experience in engineering and construction management, 35 of which were in the nuclear industry. I managed financial, cost, estimating, scheduling, risk, procurement, accounting and contract administration disciplines for complex engineering and construction projects.

I worked directly for Jeff at CH2M for 5 years (2007 – 2012), where he was the Director of the Nuclear Business Group, Commercial and International Programs. I was his Manager of Project Controls, and we worked closely together on oversight of project execution, business development, and departmental budgets and forecasts.

Notable projects/pursuits during this time included consulting services for new nuclear units for PGE Poland (still in the pre-construction stage), major proposal and contract negotiations for RESUN AG (Switzerland) for 2 new nuclear units (project canceled post contract negotiation but prior to award), and the Owners Engineer Services Agreement for 4 new nuclear power plants for Emirates Nuclear Energy Corporation (ENEC) in Abu Dhabi (all 4 units now online and generating power).

None of these projects would have ever happened for CH2M without Jeff's guidance, leadership, and innate knowledge of the nuclear power industry. The most successful of these projects is ENEC. It was an extensive procurement process, with many weeks of long hours of proposal preparation. After award, under Jeff's management, CH2M along with ENEC developed the UAE's equivalent of our Nuclear Regulatory Commission, created ENEC's overall management

organization, developed the tenders and conducted the procurement for turnkey engineering, design, and construction contracts, and provided seconded key management staff to ENEC for project management and execution. This was and still is one of the most successful nuclear programs in history, something with which I am proud to have been associated.

Jeff, although executive management, was always willing to work with us in the trenches. One evening I sent everyone home, as the work remaining was a one man job and I didn't need help to finish. The deadline was the next morning. I worked through the night and had the deliverable complete around sunrise. And just about that time into my office came Jeff, with one of the best take out breakfasts I have ever had. We reviewed the deliverable together and delivered it on time. It meant a lot to me. He always made one feel like their work was appreciated. That's the kind of guy he is.

There are many other instances I could recount where Jeff demonstrated his decency, kindness, and generosity. I always knew that Jeff had my back and was there for me if I needed him. I learned much from him, both technically and from a management skill basis.

Although I have not worked with Jeff for the last 10 plus years, we have kept in touch, both professionally and personally. We write and talk a couple of times a year, and my wife and I have met Colleen and him for dinner a few times. My wife and I are fortunate to consider Jeff and Colleen friends.

The last time we had dinner with Jeff and Colleen, and although he didn't mention it, I could tell that the legal process had been tough on him. Colleen confided the same to my wife. He has definitely paid a price, both personally, professionally and financially. One from which I am hopeful he can now recover. Jeff still has much to offer to the nuclear industry, and the nuclear industry is needed now more than ever. As is his expertise.

Your Honor, I thank you for your consideration of this letter on Jeff's behalf.

Sincerely,

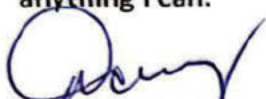


Charles R. Pollard

# EXHIBIT S

Your Honor,

I respectfully request that you Treat my personal details information as Confidential and redact from any disclosure to public. The media contacts have been endless and impacted on me and my family from this case. Please feel free to contact me with any questions I am glad to answer anything I can.



Danny Roderick

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

Dear Judge Lewis,

I am writing in support of Jeffery A. Benjamin. I am the retired CEO and Chairman of the Board of Westinghouse Electric Company ("Westinghouse"), and the former CEO of Toshiba Energy Systems (Tokyo, Japan). During the time I held these positions from 09/2012 thru 03/2017 Jeff Benjamin either reported directly to me or worked for those who reported to me in the management chain. And prior to our time together at Westinghouse, I knew Jeff from working in the utility industry for over 20 years. During these many years, I had a lot of opportunity to measure Jeff as an executive and as a person. In my experience, Jeff acted with integrity, believed in a strong nuclear safety culture, promoted a diverse workforce, and was constructively active in community matters.

Jeff's prior successful roles in the nuclear industry domestically and globally caught my attention and I offered him a senior role in charge of new builds shortly after I joined Westinghouse as CEO. During his first year at the company, Jeff brought to my attention some accounting irregularities he discovered in his division that were made by his predecessor. Jeff investigated the issue fully and provided me a complete and accurate picture of what had happened. Because of Jeff's initiative, I refused to issue our company financials until the proper write-off corrections were made, despite significant pushback from our Board and owners. During this entire episode, which resulted in a complete overhaul to the process of financial representation reporting systems at Westinghouse, Jeff acted with integrity and desire to "do the right thing."

Jeff's role at the company became more complicated when the constructor on the AP1000 decided they no longer wanted to continue on the project and were going to leave the projects cold. The company undertook a zero-cost purchase of the constructor's nuclear division. The original contract signed in 2008 was a Joint and Severable contract which meant Westinghouse was liable if the contractor walked off the project to complete the project. After Westinghouse took over the project, internal audit reviews began revealing that the financial statements certified by the contractor were found missing billions of dollars of forward -looking cost and scope in the estimate to complete, an overstatement of quantities completed, and inaccurate labor productivity reporting. Jeff worked tirelessly with his site leadership to determine

what were the real numbers since the contractor's certified financials were not correct and Westinghouse was responsible for the contractor's mistakes. Again, I believe that Jeff tried to "do the right thing" in responding to very challenging circumstances that were not of his making.

I have seen Jeff active in workforce development efforts, including initiatives to recruit more women and minorities to the industry. He was also active in supporting community fundraising and local charity involvement. I always saw Jeff give 110% effort to everything he did. I believe Jeff has tried daily to be an upstanding nuclear professional during the time I have known him. Since his guilty plea, and owning up to his mistake, I know Jeff can still contribute significantly to society by using his skills and expertise to continue the development of clean energy globally and sharing lessons learned with new professionals.

Sincerely,

A handwritten signature in blue ink, appearing to read "Danny Roderick". The signature is fluid and cursive, with the first name "Danny" and last name "Roderick" clearly distinguishable.

Danny Roderick

# **EXHIBIT T**

The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

Dr. James D. Sexton  
[REDACTED]  
[REDACTED]

July 20, 2024

Dear Judge Lewis:

My name is Dr. James D. Sexton, and I am writing in support of one of my closest friends, Mr. Jeffery A. Benjamin. I am aware that he has pleaded guilty. I am writing this letter to provide information about Jeff, whom I have known since 2007.

I am a retired Board Certified Oral & Maxillofacial Surgeon, with over 42 years of experience in the medical field. I have a bachelor's degree in biology from The Colorado College and a master's degree in hyperbaric respiratory physiology from the University of North Dakota School of Medicine. I also graduated from the University of Colorado Health Sciences Center with a Doctor of Dental Surgery degree. I then completed a surgical residency in Oral and Maxillofacial Surgery at Emory University Medical School. In 1984, I opened my private practice in Englewood, Colorado.

I was politically active during my career and ultimately served as the President of the Colorado Society of Oral and Maxillofacial Surgeons. I was also active in hospital administrative activities including serving as Chief of the Oral and Maxillofacial Surgery Section at a local hospital where I was on the staff. Recently I have been engaged and credentialed by the Accreditation Association for Ambulatory Health Care (AAAHC) as a surveyor. My current activities include performing medical facility credentialing surveys.

As a part of my career, I designed, built, and developed the first physician-owned ambulatory surgery center in the State of Colorado. I also served as the Chairman of the Governing Body of this center. Jeff was always available to consult with me and offer advice regarding business issues I was facing. I found Jeff's wisdom based on his significant business experience to be very helpful to me.

I met Jeff in 2007 when we both joined the Colorado Golf Club. Jeff and I became involved in playing golf there and have been partners in many competitions. Jeff simply is a standup guy and has a sterling reputation amongst our peers. He plays by the rules and expects others to do the same. Jeff is a man of integrity. On multiple occasions, during a round of golf, Jeff has called a required violation of the rules on himself without prompting.



Not only is Jeff a friend, but he also became a patient in my practice. He required surgical procedures for the correction of facial structure deformities that affected his breathing and airway. I was honored and glad to be able to help Jeff in his time of need.

Over the years our friendship continued to grow. Jeff asked me to be the best man at his wedding to Colleen. It was an intimate ceremony that included only close friends and family. I've been blessed to come to know Jeff's beautiful wife, his children and his extended family. Jeff and Colleen spend a significant amount of time visiting at my house several times a year. I frequently enjoy extended visits to their home as well. Jeff always has an open door for me, as I do for him.

Jeff is a loving and devoted father. Years ago, we both navigated the separation of marriages, and I watched Jeff successfully and passionately advocate to remain a fixture in his children's lives. As a result, he continues to be involved with his children in a significant way. I've always admired the way he handles this situation.

My father always said that when you pass away with five good friends, you are a blessed person. Jeff is undoubtedly one of those five people in my life. We've enjoyed a full range of fellowship. We've had celebratory times traveling and playing golf, and we've also shared low points together. If you're Jeff's friend, you get all of him. He'll celebrate your joys and will guide you when he can.

Jeff does not project his stresses onto others, but I can tell, as a close friend, that this current process has worn on him. Colleen has always been strong for him and has even been his caregiver and interpreter at times when he has undergone multiple throat procedures, yet she too, is showing the effects of this situation.

Jeff holds a special place in my heart. I love Jeff as a brother. We've known each other through multiple phases of our lives, and our relationship has only grown stronger through the highs and lows. I sincerely hope that any decision of the court will allow Jeff to remain in the community where he will continue to be a positive force in the lives of his family, friends and those with whom he comes in contact.

Thank you for your consideration of my letter in support of Mr. Jeffery A. Benjamin. If you have any questions, you may contact me at :

Dr. James D. Sexton

A large black rectangular redaction box covering contact information.

Sincerely,

A handwritten signature in black ink, appearing to read "J.D. Sexton".

Dr. James D. Sexton

# **EXHIBIT U**

June 27, 2024

The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

Dear Judge Lewis,

I, Shigenori Shiga, retired in 2017 as Chairman, a Representative Executive Officer, and a Director of Toshiba Corporation. In these roles, I represented the Toshiba Corporation to all major external stakeholders; provided overall strategic guidance and oversight to Toshiba's Energy Systems and Solutions (ESS) Company; and participated in the overall strategic positioning of the Toshiba Corporation. In my previous role as Senior Executive Vice President of Toshiba Corporation, I was responsible for the oversight of strategy and operations for the Energy & Infrastructure Group, which included the Power Systems Company, the Community Solutions Company, and the Social Infrastructure Systems Company. From June 2014 to August 2015, I was the President and CEO of the Toshiba Power Systems Company, managing all of its businesses and serving as Chairman of the Board of Directors of NuGeneration (NuGen) Limited, a United Kingdom-based joint venture between Toshiba and ENGIE seeking to develop a new-generation nuclear station in northwest England. From April 2007 to June 2014, I was the Executive Vice President of Toshiba Power Systems Company. During this time, I was a member of the Westinghouse Electric Company (WEC) Board of Directors and served as the Board's Chairman from July 2010 to June 2014 and interim President and CEO of WEC for six months during the search for a permanent President and CEO. I have had over 30 years of engineering, project management and general management experience in the nuclear industry. My entire career was spent with Toshiba and WEC, which is affiliated with Toshiba. My academic credentials include a Master's Degree in Nuclear Engineering from Tohoku University in 1979.

From May 2013 to 2017, I had several interactions with Mr. Jeffery A. Benjamin. I know that Jeff pleaded guilty to aiding and abetting SCANA's maintenance of false books and records. I am writing an account of my own experiences with Jeff in areas that relate to his qualities as a person. My basis for these observations is my professional experience with him.

First, some background. Westinghouse was awarded four nuclear power plant (AP1000) construction projects from the State Nuclear Power Technology Corporation (SNPTC) in China in 2007, two from Southern Company in Georgia in 2008, and two from SCANA in South Carolina in 2008 respectively. Our basic strategy to develop AP1000 was, firstly, to obtain design certification of the new advanced safety systems of AP1000 from the United States Nuclear Regulatory Commission (USNRC) that is the world's most stringent regulatory body; secondly, to gain construction and global supply chain experience through the China project; and thirdly, to build AP1000s in the United States and then in other countries in the world. However, achieving these goals did not go as smoothly as expected. First, I recognized the lack of sufficient experience in new construction in the U.S. nuclear industry, including WEC and EPC (Engineering, Procurement, and Construction) companies, over the past 30 years, and second, the USNRC introduced significant new regulatory changes as a result of the 2011 Fukushima earthquake and tsunami. Those made these projects very challenging in terms of cost and schedule. Through my experience working at WEC, I realized that to address these issues WEC's old-fashioned and clannish culture needed to change to something more agile it faced. To address these challenges, Daniel L. Roderick from WEC's longtime competitor General Electric, was chosen as the new WEC CEO in September 2012.

Subsequently, Danny looked to hire a senior manager to run AP1000 business. At that time, I met Jeff at a dinner hosted by Danny at a restaurant in Pittsburgh on the evening of May 7, 2013. Jeff was Danny's first choice for this position. From my conversation, he impressed me as having a breadth of relevant experience and substantial technical knowledge. He was poised and articulate, and seemed particularly well suited to lead WEC. I also found him to be a considerate person who made an effort to listen and understand what I, a Japanese and non-native English speaker, was saying during our conversation over dinner. I thought this was probably a result of the multicultural qualities he had developed through his experience working for Rolls Royce in the UK and with the UAE nuclear power plant program at CH2M HILL, a US engineering company. His ability to understand other cultures would be of great help in communicating with the Chinese client SNPTC, and members of WEC's parent company, Toshiba Corporation of Japan, as well as in expanding sales of the AP1000 around the world. I was also confident that his experience in licensing and regulatory affairs at



Exelon, a US utility company, would be useful to the AP1000 project in the United States. The next morning, I told Danny that I was in favor of hiring Jeff as Senior Vice President of the WEC Nuclear Power Plant. He joined WEC in July 2013. He was a key member but never direct report to me.

A particularly memorable episode with Jeff that demonstrates his integrity was his dealing with the AP1000 project finances in the third quarter of FY2013. At that time, I was stationed at WEC after Jeff started working for WEC as Senior Vice President of Nuclear Power Plants. Danny and Jeff determined that a close examination of the AP1000 projects would require them to recognize significant cost overruns. These projects are accounted for using the percentage of completion method, which requires a high level of expertise. Since recording these losses would have a significant impact on Toshiba's consolidated financial statements, the finance department at Toshiba headquarters objected to recording the losses for the third quarter and requested a conference call with WEC at the end of January 2014, shortly before the financial results were announced. Due to the time difference between Japan and the U.S., the conference call took place from a little after 12:00 p.m. Eastern Standard Time on January 28, 2014, to about 5:30 a.m. on January 29, 2014. Even with breaks, it was a very long and tense conference call. Attendees on the WEC side were Danny, Jeff, myself, and several Toshiba employees who had been sent by Toshiba Japan to WEC and were stationed there. WEC explained the need for loss recognition, but Toshiba's finance department questioned the need for such recognition and asked a variety of questions. Jeff responded to these questions in a thoughtful and clear manner. At times Toshiba made harsh comments condemning WEC for its poor performance and for having to recognize losses at that time. I often had to speak in Japanese with the Tokyo side during the conference call and felt frustrated with claims from Toshiba members but was helped by Jeff's calm demeanor and firm commitment to adhering to accounting standards. By the end of the all-night conference call, the WEC participants were clearly exhausted from the pressure and all-nighters. At that time, Jeff said, "We became the 'Breakfast Club'". I had never seen the movie "The Breakfast Club", but I understood this to be a thoughtful comment about how the WEC team was able to transcend their positions and find unity in an environment that was not always understood by those around them. Jeff's words convinced me of having become a strong team.

Even after I returned to Japan, Jeff kept me updated on the progress of the AP1000 projects.

I appreciated Jeff's transparency when providing status updates for our projects in China and the United States and could consistently count on him to deliver accurate and honest information. In particular, I was pleased to hear from SNPTC Chairman Wang during my visit to Beijing in April 2014 that Jeff was contributing to improve the progress of the China project.

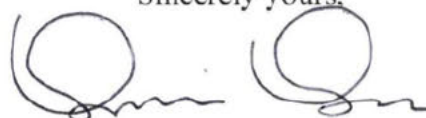
Jeff has traveled extensively around the world, including the UK and India, to promote the AP1000. He was also a member of NuGen's Board of Directors. As for future applications of the AP1000 in the Japanese market, Jeff worked with Toshiba's engineering department to apply for design certification of the AP1000 with enhanced earthquake resistance. Jeff's multicultural attributes were well demonstrated in these activities.

Jeff visited Japan often, and we met several times with the Ministry of Economy, Trade and Industry (METI) government officials to brief them on the status of the AP1000 projects and our activities to expand international sales of the AP1000. Our visits were received with great interest as an opportunity to obtain first-hand information from METI, which is interested in supporting nuclear development in Japan and abroad. Jeff's sincere commitment to meeting the needs of the people involved and his passion for the nuclear business were highly appreciated and made me proud.

We had tuna sushi together, his favorite, and over sushi we talked about his work and deepened our friendship in Japan. He often talked about his wife, who was seriously ill, and his children, whom he cherished by taking them to baseball games. I got the impression that he was a family man with a strong work ethic.

I hope this letter will help you understand Jeff's personality.

Sincerely yours,

A handwritten signature in black ink, consisting of two large, stylized loops followed by a series of smaller, connected loops.

Shigenori Shiga

A large black rectangular redaction box covering the signature area, with two smaller black rectangular redaction boxes positioned below it.

# **EXHIBIT V**



The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

Olgierd Skonieczny

May 30, 2024

Dear Judge Lewis,

Mr. Jeff Benjamin, on behalf of CH2MHill, cooperated with PGE Energia Jądrowa and PGE EJ1 in the preparation for the construction of the first nuclear power plant in Poland (Project). My cooperation with Mr. Jeff Benjamin covers the period from the first to the last day of his participation in the Project.

Mr. Jeff Benjamin was an exceptional man and an exceptional partner in the Project. His competence and deep substantive knowledge in the field of nuclear energy were respected. I admired his creativity, energy, diligence and effectiveness with which he participated in the work. I saw his ability to solve substantive problems. Mr. Jeff Benjamin took a strong stance, but always after hearing the other side's position. Mr. Jeff Benjamin was happy to share his knowledge and experience. Mr. Jeff Benjamin was a mentor to me and, I believe, to the colleagues who worked with me.

Mr. Jeff Benjamin's deep knowledge in the field of nuclear energy and experience in preparing the investment process for the construction of a nuclear power plant contributed to the quick launch of two public procurement procedures: (1) for the selection of the investor's technical advisor (owner's engineer) and (2) for the selection of a contractor for environmental studies and site characterization for the first nuclear power plant in Poland.

Mr. Jeff Benjamin had exceptional communication skills. He presented complex problems in a clear way. He was always composed and patient. He spoke logically, understandably and clearly. He used clear language in speech and writing. The above-mentioned elements constituted always very important elements of communication for me, as a person who used a foreign language at work. Mr. Jeff Benjamin's substantive and linguistic advantage were never an obstacle for me in mutual cooperation.



Based on numerous contacts with American partners, I can say that Mr. Jeff Benjamin belonged to a small group of professionals with whom my cooperation was exemplary.

During the period when Mr. Jeff Benjamin was participating in the Project, I held the position of Chief Specialist in PGE Energia Jądrowa. My activities focused on analyzing available nuclear technologies, promoting the Project and conducting public education in the field of nuclear energy. I have been retired for four years.

Sincerely,



Olgierd Skonieczny

# **EXHIBIT W**

The Honorable Mary Geiger Lewis  
United States District Judge  
901 Richland St.  
Columbia, SC 29201

Paul Tobin  
[REDACTED]  
[REDACTED]

August 27, 2024

The Honorable Judge Lewis,

My name is Paul Tobin, and I write in support of my friend, coworker, partner, mentor, and role model, Jeff Benjamin. I've worked with Jeff at Rolls-Royce and in several personal business endeavors. Over those 10 years, we have developed a deep professional and personal friendship. I understand that Jeff has pleaded guilty; however, I humbly ask for leniency and compassion in your choice of sentence.

By way of background, I have a Bachelor of Science degree in electrical engineering from the University of Connecticut. I then started a family-owned and family-run nuclear company back in the late 1990s, PKMJ Technical Services, which employed over 400 individuals. We developed a proprietary software platform that monitors equipment performance and inventories. The software helps utilities save money by more efficiently deploying their inventory resources and predictive maintenance processes. In 2013, we sold the business to Rolls-Royce which is where I first met Jeff.

Jeff was critical to completing the acquisition. Before Jeff was involved, the parties had been in talks for months, but the acquisition itself continued to get cycled and re-reviewed. Discussions were intermittent, decisions delayed, and the parties were at risk of parting ways. To help get the project across the line, Rolls-Royce moved Jeff from a technical oversight role into a leadership role. Once Jeff arrived, he immediately took the initiative to meet me, my family, and my team to understand how PKMJ's position in the market supplemented Rolls-Royce's. He and I sat down and created a vision. Jeff presented it to the CEO, clarified the value proposition, and progress instantly accelerated. Eventually, after an 18-month M&A process, the acquisition was completed. Had Jeff not been brought in, I'm confident the acquisition would not have happened.

Throughout the process, I was very impressed with Jeff. He knew the market well and had strong relationships. As a small to medium-sized business, I was looking for accelerated growth and new opportunities. Jeff helped me connect my knowledge of the market to understand the perspective of businesses with larger market shares.

Once PKMJ was acquired, I was named Executive Vice President at Rolls Royce Nuclear and reported directly to Jeff. He was a fantastic manager. He loved my team, and my team loved

him. He ensured we were well taken care of as we transitioned and he provided development opportunities for growth. Jeff gave clear and concise feedback, whether it was good or bad news. He directly addressed whatever needed to be addressed and was committed to figuring out a solution.

Although Jeff transitioned from Rolls-Royce to Westinghouse before my tenure ended, we continued to develop our professional relationship and friendship. I have an immense amount of respect for Jeff – particularly his transparency and directness. Jeff would always tell me what he thought needed to be done, and if there was disagreement, we would sit down and discuss the pros and cons and decide together how to move forward. He was a good team player. We talk frequently, and our dialog spans any number of topics from the business world and renewable energy solutions to M&A. My calls to Jeff usually begin with, “I have this challenge, what do you think?” I’ve continued to benefit from his genuine mentorship as I moved through my career.

Currently, Jeff and I work together on two renewable energy start-ups that each have active projects in locations across the United States. Jeff was an original principal of the start-ups, helped raise capital, and was one of the leading faces of our efforts. However, due to the years of legal process, Jeff has had to take a severely reduced role.

Jeff’s absence is impacting the business, not just himself. It has significantly hampered the growth, development, and maturity of both start-ups. Losing his expertise and vast network has reduced our access to capital and our relationships with private equity (i.e., potential investors in the business). Today, there would likely be 20-30 new jobs in Pittsburgh if Jeff had been able to continue to be involved to the extent he was before the legal challenges arose.

Whether Jeff receives probation or incarceration will also impact his ability to be meaningfully engaged moving forward. I’ve received multiple phone calls from banks asking about Jeff’s legal status. If Jeff were to receive probation, it would allow him to reintegrate himself and resolve many external concerns. A prison sentence, conversely, will likely create many more concerns, which again hampers business, our ability to create jobs, and our ability to meet several municipalities’ renewable energy needs.

As a friend, it has been difficult to watch Jeff wrestle with this. These allegations may not bother an unethical person because they’re used to it. But Jeff is not an unethical person; he’s a good person, so it truly hurts him to be in this situation. This is not who Jeff is. He’s had a lifetime and a long career doing the right thing. It has also driven a lot of guilt because he’s seen this impact family members, friends and business ventures. This process itself has been punishment and I know he is truly remorseful.

Thank you for taking the time to read and consider my letter. I am available to offer further information as the Court may request.

Respectfully,

A handwritten signature in black ink, appearing to read 'Paul Tobin', with a stylized flourish at the end.

Paul Tobin